



United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 110th CONGRESS, FIRST SESSION

Vol. 153

WASHINGTON, WEDNESDAY, DECEMBER 5, 2007

No. 185

Senate

The Senate met at 12 noon and was called to order by the Honorable BOB CASEY, Jr., a Senator from the State of Pennsylvania.

PRAYER

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

Let us pray.

Loving Lord, give our Senators an extraordinary measure of grace to accomplish Your will. As they work under the duress of time and pressure from diverse interests, give them wisdom to make ethical decisions. Be with their staff members who run the offices and provide the information to make responsible decisions. Be with those who process the mountains of business in and out of the cloakrooms. Be, also, with those who transcribe the debates for the CONGRESSIONAL RECORD.

Lord, bless those who monitor parliamentary order, schedule, and voting records. Protect the men and women who provide security at the doors, on the floor, and on the street. Strengthen all who are a part of the Senate's support system.

We ask this in the name of He who is the light of the world. Amen.

PLEDGE OF ALLEGIANCE

The Presiding Officer 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 read a communication to the Senate.

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, December 5, 2007.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable ROBERT P. CASEY, Jr., a Senator from the State of Pennsylvania, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

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

RECOGNITION OF THE MAJORITY LEADER

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

SCHEDULE

Mr. REID. Mr. President, today there will be a period of morning business for an hour. As normally provided, the time is equally divided and controlled with the majority controlling the first half, Republicans controlling the final portion. When that time is up, we will have to see what we can do.

OBSTRUCTIONISM

Mr. REID. Mr. President, those who watch C-SPAN and people who are watching us in other ways are many times well versed in Senate procedure. People would note today that we didn't come into session until 12 noon. With all the many things we have to do, why are we taking the morning off, so to speak? We have so much work to do. But yet most people's work day is half completed and we are just starting.

The reason is we have another example of obstructionism. The reason we had to come in late today is because we have an extremely important piece of legislation that is being marked up in a committee. The Environment and Public Works Committee has been scheduled to begin to mark up a crucial

piece of legislation today, a bill that will take a major step forward in the fight against global warming. If there were ever an occasion when we had to unite as a country and as a world community to fight, it would be against the scourge of global warming which is taking place everywhere. You can't listen to the news without hearing about something global warming has affected. Yesterday on public radio there was a wonderful piece about Finland, how the glaciers are melting in Finland.

Under Senate rules, any Member has the power to object to a committee meeting after the first 2 hours after the Senate is in session. That is why we had to start the Senate late today, so that committee could go forward with its markup so they can hopefully report a bill to the floor by 2 o'clock this afternoon. Had we started at 9, they would have had to stop at 11 because we were told that Republicans would object to the hearing going forward.

Mr. MCCONNELL. Would the majority leader yield?

Mr. REID. I will be happy to yield.

Mr. MCCONNELL. There were no objections on this side. I think maybe the leader was anticipating an objection that did in fact not exist.

Mr. REID. That could be the case, Mr. President. We started at noon today because under the rules anyone can stop us from holding a hearing beyond that time and we were told that was what was going to happen and that is why we did this. It is very easy for people to say we didn't do it. Of course they didn't do it, but had the meeting started at 10 o'clock, they would have done it. We were told that is what they were going to do. It is easy now to come here after the fact and say we wouldn't have done that.

We can see from what is taking place in the committee, about the amendments being offered to try to stop this

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



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bill from coming forward. The committee that is meeting has one Republican who is joining with us, JOHN WARNER from Virginia. Every other member of that committee, unless there is some sudden light one of them sees, is going to vote against that bill and they indicated they would do everything they could to stop the markup from being completed today.

I am very happy that now the Republicans are saying we would not have done that. The only way we can protect ourselves, after having been given a direct warning that was what was going to take place, was start the Senate late.

If this were the only case of the Republicans doing everything they could to slow us down, then maybe it would be something that would need to be looked at very closely. But this doesn't have to be looked at very closely. It is everything that we have tried to do since we took the majority, and a slim majority it is. As we all know, about a year ago Senator JOHNSON was stricken with a bleed in the brain. He almost died. So our majority on that day went from 51 to 50—50 to 49 was our majority, and we have struggled with that until Senator JOHNSON was able to return a couple of months ago.

During this period of time this year, the Republicans have done everything they could to slow down and many times stop what we were doing. Look at the numbers. We are now at 57 cloture motions we have had to file. As I said yesterday, this is filibusters on steroids. Within a few days, it will break the record for a Congress of having clotures filed, necessary clotures filed.

We were forced to begin this session late, as I have indicated, to give the committee a chance to begin its work. It is unfortunate we have reached this point of overt obstructionism. If this Republican blocking tactic is a sign of what is going to come—we have already seen it; it can't get worse than what it already is, I don't believe—the remaining weeks are going to be interesting. We know we have been stopped from going forward on the farm bill. We tried everything we could to move forward on the farm bill. I even said you can have 10 amendments, we will have 5. They said no. I talked with Senator HARKIN today. He said—I don't know the exact numbers—I think we can do it with 17 and 14, or something such as that. I said, if you can get a deal like that, take it. We want to move forward on legislation and we are having a difficult time doing that.

Global warming is something we should be joining together to work on, to solve the problem. The work done by Senators LIEBERMAN and WARNER is bipartisan in the true sense of the word. It is a way to address global warming in an important way. Nations throughout the world are demonstrating their commitment to reducing greenhouse emissions. As we speak, there is a conference taking place in Bali. We have

10,000 people there, worried about global warming. Australia, with the change of leadership they had there in recent elections within the past couple of weeks, has now signed the Kyoto protocols. Which is the only industrialized nation not to have signed those? This administration; this country.

President Bush would not acknowledge the words "global warming" until the past 6 months. He has now at least been able to say the words and is doing some futile things to help, and even those small gestures are welcome to this country and to the world.

I want to talk a little bit more about the farm bill. I have spoken to Senator CHAMBLISS on a number of occasions. I have not sought him out. We have been on the floor and talked. I don't want to go around my friend, Senator MCCONNELL, unless I tell him I am going to do that, but I have had conversations in front of everybody. He indicates he would like to do the farm bill. We want to do the farm bill. At this time there are 287 amendments pending on the farm bill, amendments dealing with driver's licenses for illegal immigrants, all kinds of other amendments that have nothing to do with the farm bill. As a result of some of my conversations with my friends on the other side of the aisle, it does not appear we can work anything out on the farm bill.

How much more reasonable can we be? I have said if 10 and 5 is not good, how about taking, as I have just said, HARKIN and CHAMBLISS, who supposedly, according to my conversation with Senator HARKIN this morning, have now worked it out to less than 40 amendments. That will be fine, too. Let's move forward. I have even said, to show we are reasonable, have a couple of nongermane amendments. That is fine. We will be happy to take a shot at those. I don't know what they would be. I have been told—I think one of them may be dealing with driver's licenses. But we will be happy to do whatever needs to be done to help the American farmers and ranchers get some relief that they need.

We have also pending something that I think is pretty important. In addition to the farm bill, we have AMT. AMT is a buzzword for a tax proposal that was passed during a Republican administration, which had good intent when it started. Congress wanted to make sure and the President wanted to make sure that even people making a lot of money paid a little bit in taxes. But with inflation having risen its ugly head, as it does, it is affecting people no one anticipated would be affected. Right now, unless we change the AMT, people making between \$75,000 and \$500,000 would be hit with a tax they ordinarily would not get. The average tax, I understand, is less than \$2,000. Somebody making \$75,000 would get a very small tax; somebody making half a million dollars a year would be paying a larger tax.

That was not the intent of the tax. The vast majority of American people

don't make 75,000 a year and they certainly don't make a half-million dollars a year.

But we want to try to change that. We want to put in a patch so it doesn't affect those people this year. We have tried everything that I know legislatively possible, that is reasonable, to take care of this. Right now, a cloture motion is ripening, our 57th, and that would be on whether we can proceed to legislate on the House-passed bill. The House-passed bill patches it, but it is all paid for. We Democrats believe that tax cuts and any new programs should be paid for. The House has passed a bill and sent it to us which does that. I have been told by my Republican colleagues that it is extremely doubtful we will get cloture on that. I hope we can get a few brave Republicans to say we want to legislate on this.

The President said we should do something to fix AMT. That being the case, why doesn't he place a call or have one of his staff call the Senate and say, Why don't you let them proceed on this? We can offer some amendments once it is there. We will try to be reasonable in what amendments we offer and they offer on this AMT fix. But I think we should at least have the opportunity to move forward. They are creating the worst of all worlds. They are going around saying we have to fix AMT, but they are not allowing us to legislate on it.

Under our Constitution, all revenue matters have to originate in the House. We have what the House wants to do. On this, I have said let's see what we can do. We will vote on the House version and we will go with the 60-vote margin. I am happy to do that. We will vote on what Senators GRASSLEY and BAUCUS have reported out of the Finance Committee here in the Senate, and that is the AMT is not paid for. I don't agree with that, but that is what the committee has done so I accept that. Also as part of that package it has certain tax extenders that are paid for. I said, Let's vote on that. No.

Senator LOTT, the Republican whip, said he wanted to eliminate AMT forever.

That is more than \$1 trillion. But we are willing to vote on that. We have gotten no takers on that. I do not know how we can be more reasonable.

I do not want to get into the inner workings of the proposal made between Senator MCCONNELL and myself because I do not think that would be appropriate to talk about, some of the things. I would be happy to do that if he wants to, but some of the other suggestions made—I do not want to do my negotiating out here on the Senate floor. But I think the suggestions they have made have been very unreasonable. I don't know how we can be more reasonable than what we have done.

Now, I would hope we can work something out on AMT. As I said to my distinguished friend, the Republican leader, today, if the President wants an AMT fix and the Republicans say they

want one, why can't we move forward on doing something? I do not understand why we could not do that.

One of the other alternatives I have not suggested, but maybe what we can do is have a vote on not even paying for it, which I disagree with, but if that would be the will of the Senate, fine, we could set something up in that regard. We could have those votes out of the way this afternoon. We would not have to do the cloture vote in the morning. And we would see what the will of the Senate is. The way it is going to be, I have been told that the Republicans have been given their marching orders, as happens all of the time around here, that they are not free agents, that they cannot vote to invoke cloture on this alternative minimum tax, which I think would be a shame.

As I told my friend, the senior Senator from Kentucky, we would like to finish the business of this body by 2 weeks from Friday. That is our goal. I hope we can do that. I hope we do not have to work—we are not going to work on Christmas, but I hope we do not have to work Christmas week. It is possible we may have to do that. We have a number of important issues around here. We have an energy bill that is going to be sent either today or tomorrow from the House. I spoke to the Speaker this morning. We have to complete the alternative minimum tax. I think it would be the right thing to do to see what we are going to do on the Presidents's wiretapping proposal, as to how we can make that a better piece of legislation. We have gotten something that is bipartisan that has come out of the Judiciary Committee. The Judiciary Committee has met on a bipartisan basis. They have some things they want to change on that. But if we have to jump through all of the hoops and file cloture on that, that bill—the legislation that is now in force expires I believe on February 5. I think it would be good if we can complete that before we leave. There are certain other things we need to do before we leave. But it is a lot of work to do.

There is one minor little problem I did not talk about. We have to figure out some way to fund the Government for the rest of the year, either with some type of spending program to involve the Appropriations Committee or a last resort—something that both the Republican leader and I don't want—would be a continuing resolution which, in effect, eliminates the legislative branch of Government from being involved in what money is spent in the country for the next year.

Having said that, I would hope we can hold hands here a little bit in the next couple of weeks and see what we can get done: alternative minimum tax, farm bill, spending bills for our country, and if we really get fortunate, see if we can finish the FISA legislation, the wiretap legislation.

The ACTING PRESIDENT pro tempore. The Republican leader.

AUTHORITY FOR COMMITTEE TO MEET

Mr. McCONNELL. Mr. President, first with regard to the suggestion by my good friend, the majority leader, that there was some kind of objection to the Environment Committee meeting this morning, I was unaware of one. No such warning was given to the other side. The practice is for the committees to request permission on the day they meet. We did not indicate there was any objection. The committee is, in fact, meeting. I am unaware of any objection to its meeting.

If it makes it more formal, I ask unanimous consent that the committee continue to meet.

Mr. REID. Mr. President, I think that is a wonderful gesture. I would accept that unanimous consent request that the committee be able to continue its deliberations today past 2 o'clock.

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

Mr. REID. I appreciate that very much.

MOVING FORWARD

Mr. McCONNELL. Mr. President, reclaiming the floor, I know for anybody who might be watching on the outside that all of this parliamentarian talk probably makes your eyes glaze over. But the fundamental problem is this: As recently as a year ago, my party was in the majority, and I had the same problem—Senator Frist and I had the same problem my good friend from Nevada has: Our members do not want to cast any dangerous votes, any votes they do not want to cast.

The first session of the previous Congress, the 109th, was the most productive legislative session of my time here in the Senate. I recall Senator Frist and myself saying over and over and over again to our members that if we are going to pass this bill, we are going to have to give the minority their votes. And people were whining and complaining about having to cast votes. I recall the Democratic whip, the Senator from Illinois, saying: The Senate is not the House, and making the point that the minority is going to get its votes in order to advance legislation.

I understand that my good friend from Nevada gets complaints from his members about having to cast votes, but the fundamental responsibility of the majority is to pass legislation. In order to do that in the Senate—we do not have a rules committee—you have to work with the minority, and you have to give the minority side a reasonable number of amendments. That is the case on the consideration of the alternative minimum tax fix, and that is also the case with regard to the farm bill.

Now, my advice both privately and publicly to my good friend, the majority leader, on the farm bill is take it up

and go forward, which is the way we have done it in the past, and it is amazing how quickly you move along. You can sometimes spend more time trying to get a consent agreement, which by its very nature requires every single Member of the Senate not to object—we could have made more progress on the farm bill by simply going to the bill, taking up amendments, and moving forward. That was my advice. It is still my advice. If we turned to the farm bill, even if we didn't have a very narrow amendment list, we would make dramatic progress and make it quickly. Why? Because I think there are significant numbers of Members of this body on both sides of the aisle who want to pass a farm bill. There may be a few who don't but a significant number do.

So here is where we are, December 5. We have nearly a full year's worth of work to finish before we adjourn for Christmas. It is a little after noon, and we are talking about why we are getting started now—I gather based on some misunderstanding about phantom objections that, in fact, did not exist on this side to the Environment Committee meeting.

We have offered our good friends a path forward on the AMT, on troop funding, on appropriations, on the Energy bill, and the farm bill. Yet we cannot seem to get the kind of bipartisan agreement that allows the minority to have some say over amendments in moving forward.

On the AMT, the chair of the Finance Committee called the Republican proposal constructive and said that it was the beginning of an agreement. That was yesterday. We want to make sure 23 million people are not ensnared by this middle-class tax hike and that the tax returns of 50 million Americans are not further delayed. The consequences of a delay will be felt by millions of taxpayers who will see a delay in their refunds next year.

It is, however, important to virtually every member of my conference that the alternative minimum tax, a tax that will never be levied and never be collected, not trigger a tax increase on a whole lot of other Americans. The effort to "pay for" the AMT is highly offensive to members on my side of the aisle, and I think the majority knows that, and the way to get the AMT and the extenders passed is not to "pay for" them—in other words, not to go out and raise taxes on a lot of other Americans in order to continue basically the status quo. We know we are never going to levy the AMT, and we are never going to collect it. The same is true with the extenders. We know we will pass that package. That is existing tax relief. Why should we raise taxes on some other Americans in order to maintain the status quo, which is the absence of an alternative minimum tax and the extension of the extenders? That is a very strongly held principle, and I believe that is the view of enough Senators to insist that is the way it goes forward.

Now, we know what they plan over in the House. They are going to send the AMT over there, and they are going to pay for it and send it back over here. I think that is a huge mistake; it is an excuse for raising taxes on a whole lot of Americans.

With regard to the remaining appropriations bills, the Democratic leader and I have had a number of constructive conversations. We are going to be talking to the administration later in the day on that subject. Any discussion of finishing up the year is going to have to include funding for the troops in Afghanistan and Iraq. We know we have had this debate a lot of times—at last count, 63 Iraq votes in the House and Senate this year. We know that even when the war was going poorly and there was great opposition to the surge, at the end of the day the funding was there. Now the surge is succeeding, and the war is going better. Why would we not continue the funding now that things are going better when even the majority, which did not favor the effort in Iraq, provided funding when it was going poorly? As part of any settlement of the 11 appropriations bills, we are going to have troop funding into next year.

On FISA, I think we have a way forward. The majority leader and I have talked about it. I think we both have the view that the underlying bill will probably be the intelligence measure. I think we should be able to construct some kind of consent agreement in that particular instance where I don't think there is much of a demand for amendments—some amendments but not a whole lot—that will allow us to go forward.

On energy, Senator DOMENICI tells me that he had an understanding with the majority leader and with the chairman of the Energy Committee in the Senate as to what would and what would not be in an energy bill that we would finally pass. It is my understanding that an energy bill that the House may act on, I gather today, I am not sure—is it today? Does someone know? It is likely to include tax hikes and utility rate increases for those of us in the Southeast. Now, in what way would an energy bill that raises taxes, when oil is about \$100 a barrel, and has the practical effect of raising utility rates all across the Southeast be beneficial? My understanding was that the majority leader and Senator DOMENICI and Senator BINGAMAN agreed that was not going to be a part of the proposal. I do not know whether it will be a part of the proposal when it comes over from the House, but that agreement ought to be kept and those provisions ought to be removed.

Finally, at the risk of being redundant, let me say again on the farm bill that we have enough time. Most of the negotiations that are going on, are going on off the floor. We do have floor time. It remains my advice to the majority leader to get on to the farm bill, process amendments, and move for-

ward. I think that would be a way to make progress. It is probably going to be very challenging to get as tight a time agreement on amendments, as tight a number on amendments as the majority leader would like. We spend so much time doing that; we could be processing amendments here on the floor and moving forward with the bill.

Let me say in conclusion that we do want to be cooperative, but the reason we have had a lot of impasse this year is because a very narrow majority is, in effect, trying to dictate amendments to the minority. That will not work in the Senate. One of the prices of being in the majority—it is better to be in the majority than not. I would rather be in majority than not. But one of the prices you pay for being in the majority is you have to take votes you do not want to take in order to advance legislation.

So I would say to my good friend from Nevada, he is going to have as much cooperation as I can possibly muster. I am anxious to help us move forward on all of these issues he and I have been discussing here this morning.

ORDER OF PROCEDURE

Mr. REID. Mr. President, I ask unanimous consent that the time Senator MCCONNELL and I have used not be counted against the hour for morning business.

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

Mr. REID. Mr. President, I have been in the minority; I understand how that works. But the record is very clear that on rare occasions did we oppose motions to proceed. We did but on rare occasions.

Keep in mind, as I have said, during this period of time—not even 1 year yet—records for filibusters will be broken for a 2-year session.

We have involved the minority. We did it on the minimum wage. We did it on ethics and lobbying reform. We have done it on U.S. attorneys independence. When we passed a supplemental appropriations bill, there was total involvement of House Republicans and Senate Republicans. That was good. We were able to finally get money for Katrina and wildfire relief. We have worked together on veterans legislation we have done. It has been a bipartisan move forward.

One of the rewarding things for me is the work we have been able to get out of the HELP Committee. Two diametrically opposed political minds, KENNEDY and ENZI, have worked together and produced a lot of good things on which we have been able to move forward—mental health parity, the Head Start Program, a number of other items.

We have passed legislation that has paid for our troops. The only words of disagreement Senator MCCONNELL and I have had on a private basis has been

over the Energy bill; that was a misunderstanding. Those things happen, and I have forgotten about that. Other than that, we do our best to represent our caucus and our country. I have no personal animosity toward my friend.

On the Energy bill, I do want to say this before we leave that. To frame this issue, understand we are in the middle of a debate on the Energy bill. The issue was whether we would have a \$32 billion tax on the Energy bill. There was objection from my Republican friends. Before votes were taken, one of my friends, a Democratic Senator, stood and said: It doesn't matter what you do here. We will take care of it in conference.

I stood and said: This will not take place in conference. We will not have this matter in conference.

The problem is, we have never been able to get to conference. We tried numerous times to have a conference on the Energy bill, and they wouldn't let us do it. So now we are going to get from the House tomorrow something they have done. Republicans have been involved, Republicans in the House and in the Senate. But, remember, in the House they have a little different procedure. Because the power is with the party that has the most votes, they can do most anything they want.

I have kept my word. There is nothing that has been added in conference. We haven't had a conference. I can't control Speaker PELOSI. I hope everybody understands that. She is a strong, independent woman. She runs the House with an iron hand. I support what she does, but no one needs to come and tell me I didn't keep my word. You check the record, which we have. I said this matter would not be added in conference, and it has not been added in conference. We haven't had a conference.

I have spoken to Senator DOMENICI. He is my friend, and I have great respect for him. He has served his State and the country well. Senator DOMENICI and I have worked as the two leaders of the Energy and Water Subcommittee on Appropriations for a long time. He was either the chairman or I was. We get along very well. I talked to him last night. I explained to him the situation. I think he understands what took place. We have not had a conference. If that bill comes to us and those tax provisions are in it, we will take a look at it.

I do know this: As I have been told, the tax portion of that, if it is tied on to the Energy bill, would be \$12 billion less than the one proposed in the Senate. I hope we can get some cooperation on the Energy bill. That would be great. It is something this country needs.

A couple of other things I want to say. On the farm bill, I say with the most genuine respect I can that my friend is not being fair in his description of why we don't move forward on the farm bill. Remember, the last bill

we had to move forward on was Amtrak, a bill that had been in the Republican leadership for years not moving forward. We decided we would move forward on it, and we passed it. What was the first amendment offered? A tax amendment. It had absolutely nothing to do with Amtrak. We can't have these bills in the waning weeks of this Congress, when people are waiting around for all kinds of things they want to do on Iraq and Afghanistan and the military and immigration.

I guess the Republicans think they have a good issue on immigration, to bash immigrants. They have all kinds of issues they want on immigration. They are waiting in the wings to offer these amendments. We can see that on the farm bill. A number of the 287 amendments filed have been dealing with immigration. We can't open the farm bill during the time we are trying to pass FISA, trying to pass the farm bill, AMT, do our spending bills.

How much more reasonable could I be in trying to shorten the time? I said: Republicans take 10; we will take 5. No. So Senator HARKIN comes to me and Senator CHAMBLISS. They have it down to less than 40. I said: Take the deal; we will agree to it. We don't even want time agreements on the amendments. How much more reasonable can we be? We can't be. Whatever we come up with, the Republicans would not agree to it because they do not want us to have a farm bill. So why don't they just acknowledge that. They are acknowledging it by their stopping us from having any kind of agreement.

I agree with the Republican leader, once we got on the bill, we could move forward with these amendments quickly. But that is where we are.

According to my friend—and I think these are the words he said—it is offensive to pay for these tax cuts. Let's follow this. It is offensive to pay for the tax cuts? That has been the Republican mantra for 7 years. And where are we? When President Bush took office, there was a \$7 trillion surplus over 10 years. Where are we now? We are approaching a \$10 trillion debt. Everything the Republicans have done with their spending has not been paid for, and their tax cuts have not been paid for.

As with the Clinton administration, we adopted pay-go. That is in our budget. If we have a program that is new, we have to pay for it. That doesn't sound unreasonable. That is what the American people want. If they buy a new car, a new refrigerator, they have to pay for it. There is only so much credit in the world. This Government has exceeded its credit limit. The credit card no longer works.

We also believe the tax cuts, which have given us red ink as far as you can see, created by the Republicans, should come to an end. If there are going to be further tax cuts, we should pay for them. That is the right thing to do. That is all we are saying with the AMT. Pay for these tax cuts. This is a tax cut. It should be paid for. I don't know what is offensive about that.

I would further say we are willing to meet the minority more than halfway—halfway, of course, but more than halfway. We have proven that as we have worked through legislation this year. It has been hard. It has been a slog. I understand how disappointed the Republicans are that we are in the majority. It was a surprise to a lot of people when last November we took the majority of the Senate. We won seats that no one expected us to win. But we are in the majority, no matter how slim. We have had some accomplishments, and we are proud of those. But more importantly, we believe in change. We believe we are agents of change for America. The Republicans are agents of the status quo. The American people will have to judge whom they want to support. Do they want to support those who want to keep things the way they are in Iraq and every other bad situation we find ourselves in as a country or do they want to move forward with us and work for change? That is where we are.

I think we are on the right side. I hope during these next couple of weeks we can work together and do some good things for the country. We are willing to go more than halfway. Take AMT, for example. Let's go over that again. I have tried everything I can, offering unanimous consent requests which have been objected to. Vote on the House bill. No. Vote on what we have in the Senate. No. Vote on what Senator LOTT wants: just to repeal it and have another trillion dollars of red ink. No. Not willing to do that.

So today I said: OK, let's vote on not even paying for it. How about that? I have heard no clamor from the Republicans, yes, that sounds like a good idea. What more could we do?

The word is that there are people—and how big the number is we don't know, but we know in the Senate it doesn't take a big majority to cause problems—there are many Republican Senators who don't want us to put the patch for AMT so they can go around, as I told Senator MCCONNELL this morning, pointing fingers at each other about whose fault it is that these people in America with \$75,000 to \$500,000 in income are going to get a tax increase. How much more reasonable could we be? Have we gone more than halfway? The answer is obviously yes. We want to legislate. We do not want to block things from happening.

If someone can show me how I am unreasonable with my proposal on AMT, I would be happy to sit down and talk to them. I don't know how I could be more reasonable.

The PRESIDING OFFICER (Mr. MENENDEZ). The Republican leader is recognized.

Mr. MCCONNELL. Mr. President, others have been waiting patiently to speak. Let me say with regard to AMT, this is existing law we are trying to extend. With regard to the extenders, there is existing law we are trying to extend. We should not use that as an

excuse to raise taxes on a whole lot of other Americans. That is something that virtually every member of my conference feels strongly about. We are going to continue to talk about it. I am still optimistic we are going to be able to get this worked out. The majority leader and I are good friends, and we are going to continue to work on all these issues in the hope that we can go forward in the few weeks remaining before Christmas.

I yield the floor.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will be a period of morning business for 60 minutes with the time equally divided and controlled between the two leaders or their designees and with Senators permitted to speak for up to 10 minutes each, with the majority controlling the first half and the Republicans controlling the final half.

The Senator from Oregon.

(The remarks of Mr. WYDEN pertaining to the introduction of S. 2411 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

UNANIMOUS-CONSENT REQUEST— S. 1662

Mr. WYDEN. Mr. President, with the indulgence of the Senator from Oklahoma, at this time, on behalf of Senator KERRY, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 422, S. 1662; that the amendment at the desk be considered and agreed to; the committee-reported amendment, as amended, be agreed to; the bill, as amended, be read a third time; that the Small Business and Entrepreneurship Committee then be discharged of H.R. 3567, the House companion, and all after the enacting clause be stricken, the text of S. 1662, as amended, be inserted in lieu thereof, the bill be advanced to third reading, passed, and the motion to reconsider be laid upon the table; that 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 on the part of the Senate; that S. 1662 be returned to the calendar, with all of the above occurring without intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. COBURN. Mr. President, I object and will take my morning hour time to explain why.

The PRESIDING OFFICER. Objection is heard.

CREDIT CARD BILLS

Mr. COBURN. Mr. President, I say to the Senator from Oregon, I look forward to looking at the bill he just introduced. I, too, am very concerned. We

had a hearing yesterday in the Homeland Security Oversight Subcommittee on credit card bills. There was some very revealing information. I think the Senator is addressing a problem we need to look at on the Senate floor. I will look at his legislation, and hopefully I will be able to cosponsor it with him.

LEGISLATIVE AND APPROPRIATIONS PROCESS

Mr. COBURN. Mr. President, let me, first of all, take a minute to talk about this bill for which unanimous consent was just requested. I think it is important in light of what the majority leader just said. Here we have a bill for which unanimous consent was requested. The American people need to understand what it means to get unanimous consent. It means all of us agree to it. It does not need to be further amended, it does not need to be changed, and it should be passed without ever having a vote on it.

This bill has a section in it that so far has lost over \$3.5 billion of your money doing venture capital investing by the Small Business Administration. The OMB analysis says there is absolutely no need for this venture capital investment, especially because of the fact it has lost such a great amount of money. And venture capital investing itself is a highly risky business that requires tremendously acute knowledge and people of great acumen in terms of investing, and they lose lots of money investing.

The last thing we ought to be doing at the end of a session is passing a bill without vetting it, without debating it, without talking about the problems that are in the bill. This portion of the bill, the portion that is the Small Business Venture Capital Act, if anything, should come out of this bill. We should not reauthorize something that has lost already in excess of \$3 billion, and something for which we do not get to look at the results until 10 years after it happens.

The last thing we ought to be doing is investing the American people's money in venture capital when we cannot pay for the things we need to be paying for that the American people are dependent on. I look forward to working with Senator KERRY. I have had a good relationship with him. We will sit down and talk about this bill. But I think it highlights what we need to be doing and not spending time in quorum calls but spending time debating bills.

I also want to spend a minute on this issue. I think the American people ought to be asking us about this. Here we sit, and we have one appropriations bill passed for the year that started October 1. I think I am correct. Other than the THUD bill, there has been no objection raised by the minority to proceeding to any of the appropriations bills. As a matter of fact, the choice was made not to bring up the appro-

priations bills in a timely manner and debate them because of the choice it was not a priority.

I do recall the tremendous criticism we rightly received for what happened last year in the appropriations process. What is going to happen? I am happy to be here for Christmas to do the business we should have already done. But let me lay out what will happen, and then let me also give a warning. At the end of sessions, what happens is we get the request to pass all sorts of legislation—much like this bill to which I just objected. Committees do good work on legislation. But a bill that has passed committee has to be agreed to by a majority of the Senators to be able to become law.

When we do unanimous consents, that means we are going to let it pass without looking at it, without amending it, and without voting on it. Well, at the end of the year, the time pressure comes. Everybody wants to get something passed. So what happens is we do a poor job of legislating because we do not look at it. We do not amend it. We do not have a debate so the American people can know about it. We just pass it.

I sent a letter to all of my colleagues today outlining and reinforcing four statements I made at the first of this year. I will object to any bill coming forward by unanimous consent at the end of the session unless it meets the requirements I laid out. That means no new authorizations unless you deauthorize something else. We are not going to grow the Government any more when we cannot pay for the Government we have. No. 2, it has to be constitutional. It has to be a true duty of the Federal Government, not an obligation of the State governments that we are going to stand up for, when they have a \$6 billion to \$7 billion surplus. Easily, when you look at any combination of any 10 States, they have an over \$36 billion surplus totally, and we are running, in real numbers—non-Enron accounting but real numbers—a \$250 billion surplus.

I am not going to allow—unless we want to put it on the Senate floor, unless we want to debate it—I am not going to allow us to pass bills at the end of the session by unanimous consent. So if you have a bill that you want to try to pass by unanimous consent, I would suggest we sit down and talk about it now, not 2 weeks from tomorrow but now. If they come in the last week, we will not have the time to look at them. So not agreeing to unanimously consider the bill as passed will be the standard fare.

Now, let's talk about the appropriations process. What we have is \$23 billion more than what we agreed we are going to pass in total for the appropriations bills, not counting the emergency things we have already done that we have charged to our grandchildren. As the game is played in Washington, what will come is the pressure of the chicken. We are going to play chicken

because we chose not to do the appropriations bills at the appropriate time, and lots of Members have lots of earmarks in bills.

So they do not want us to continue to fund where we are. They want us to have an omnibus bill where we can have all these earmarks, about \$26 billion worth of earmarks, so we can look good at home—not competitively bid, not based on priorities but based on our political priorities individually as Senators. We are going to spend about \$23 billion more than what we said we are going to spend. That \$23 billion is almost \$300 billion over the next 10 years. And we are fighting about \$80 billion on an AMT fix for 1 year. But we are not concentrating on the fact we are going to institute \$300 billion worth of more spending.

I will remind my colleagues again, we do not have to raise taxes. We can eliminate the AMT. What we do not want to do, and what we fail to do, is get rid of the waste, fraud, abuse, and duplication that numbers in excess of \$250 billion every year—every year—because we will not do the hard work of oversight.

So we are going to line up, and we are going to get a package from the House, and we are going to get a chance to vote on it, and the President has already said he is going to veto it if it has this excess number and all these earmarks in it. I would think this would be better than playing chicken: Why don't we live within our means like every family has to? That \$250 billion comes to 20 percent of everything we spend in the discretionary budget. If you ask homeowners and families who are having a lot of pressure now, would they dare waste 20 percent of their budget, would they dare not look and reconsider how they are spending their money when it comes to their family budget, they would not. Yet we continuously refuse to do the hard work of oversight. We do not want to offend anybody. In the process we are offending the next two generations. My hope is we don't end up here at Christmas, but I was dead serious when I took my oath. I am going to defend the Constitution and I am going to work to make sure bills that are outside of that Constitution don't pass this body. I am going to defend my obligation to the next two generations and the heritage this country was built on—one generation sacrificing for the next—so future opportunity is there. I am going to do everything in my power to not let \$23 billion of extra spending go through this Senate at the end of the year. Now, I may not be successful in that, but at the end of the day, I am going to sleep real well knowing I am fulfilling my oath, knowing that I know what the Constitution says. When we get outside the bounds of the Constitution, in terms of Federal responsibility, what we do is we say in name we are helping somebody and we are charging it to our grandchildren and undermining the very opportunity we all experience.

My hope is we can come together during this season and say: Let's get it right. Let's not spend a bunch of extra money. Let's put it back. We could be facing some pretty severe economic times in this country in terms of how things look, especially people who were sold homes and mortgages they didn't qualify for and now are struggling. How are we going to address that? How are we going to help them through that? How are we going to accomplish that which empowers people, not Government? We need to be working on those things. We do not need to be spending the extra money now that we may, in fact, need to spend later. We may, in fact, need to borrow money later. So we should be doing the job right the first time, staying within our means, doing what is necessary, even though it offends people who might not get something from the Federal Government through an earmark.

I believe the people of the Senate are great people. I believe, ultimately, they want what is great for this country. I know all of those who have children and grandchildren wish and hope for the very best for their lives and to experience the kind of opportunities we have had. But I wish to tell my colleagues it is at risk. It is not a small risk, it is a great risk. Mr. President, 2012 is coming fast; 2012, that day when the baby boomers are taking both Social Security and Medicare, when we start down this road of \$79 trillion worth of unfunded mandates. How can we be trusted to fix those problems when we can't even live within our own budget?

I said before, about a year and a half ago on this floor, that there is a rumble in America and it is real. The American people are sick and tired of the partisan games we play. They don't want to see Republicans pointing their fingers at Democrats. They don't want to see Democrats pointing their fingers at Republicans. What they want us to do is the job of governing within our means.

Our problem is we have difficulty identifying what is most important: Our political careers or the future of the country. What gets in front of us too often is how do we look good at home rather than how do we look good in the future so we secure the promise America stands for. My hope is we will work together.

One final comment on the farm bill. We need a farm bill, but we don't need a farm bill that continues to have programs that wealthy people who aren't real farmers take advantage of—people who aren't farmers, yet suck the money out of the farm program. Twenty percent of our farmers produce 80 percent of our goods, but a large portion of the farm program goes to gentlemen farmers—doctors, lawyers, who happen to own a small acreage and then suck the programs dry for their own benefit for things they could very well afford to pay for. So the farm bill isn't going to go forward until we have an open amendment process.

I agree with the majority leader. We shouldn't have all of these votes that aren't necessarily related to the farm bill, but we should certainly fix the crop insurance program. We should certainly mandate that if you are getting a government benefit as a farmer, you ought to be a farmer. You shouldn't be an investor who is investing in making money off the hard-earned tax dollars of middle-class America. That is what too much of the farm program is. We shouldn't be setting about saying that if we are going to incentivize to get greater production, and then all of a sudden if somebody is successful at it, then you can't do it anymore. If an incentive is put in place to work, then let's make it work. We haven't done that with ethanol. We haven't said you can only produce so much ethanol. So if an incentive works, we ought to use it. But we ought to make sure the people getting those incentives are real farmers.

Again, I thank the Chair for his indulgence and I yield back the remainder of my time.

Mr. KERRY. Mr. President, today the Senate tried to call up and pass an amended version of S. 1662, the Small Business Venture Capital Act of 2007. There was objection to the bill based on a concern that it reauthorized the SBA's Small Business Investment Company Participating Securities program, a program which the Office of Management and Budget has predicted will have losses of about \$3 billion.

The amendment pending before the full Senate does not reauthorize the SBIC Participating Securities program. That provision was taken out of the bill in October when the committee first circulated the proposed amendment to colleagues and the parties notified their members that the committee would like to pass the bill by unanimous consent.

Equity financing like the SBIC Participating Securities program is important to the continuum of small business financing, and testimony before our committee this summer emphasized the need for a reformed program to fill the void left by the private sector. However, as the report to S. 1662 clarifies, Congress could not find common ground with the administration on reforming the program and so the committee included a token reauthorization amount to signal to the business community that it understood the need for small equity investments and that there was support for the Small Business Investment Company program in general.

The bill reauthorizes through 2010 the Small Business Investment Company Debenture program, and the New Markets Venture Capital program. Venture capital is a critical driver of our economy and job creation. Since the creation of the SBIC program almost 50 years ago, the country has benefited from hundreds of thousands of jobs. Some examples of success stories include businesses that are now house-

hold names—Calaway Golf, Intel, Jenny Craig, Outback Steakhouse, and Federal Express. Through the SBA's New Markets Venture Capital program, which has only been making investments for a couple of years, businesses in areas with the highest national employment, such as in the Appalachia region of Kentucky, have gotten access to more than \$48 million in patient investment capital and created hundreds of jobs with sustainable wages and health care benefits. Senator SNOWE and I worked with the SBA in drafting S. 1662, and the committee of jurisdiction adopted it unanimously—by a vote of 19 to 0.

Further, we understand concerns about moving legislation last minute and we try to avoid that. In this case, our committee voted out this bill in June, giving colleagues with concerns more than 5 months to review the legislation. And in anticipation of moving this bill by unanimous consent committee staff reached out to other offices in October. We have tried for 6 weeks to discuss the bill and identify any possible concerns. We gave those offices copies of the bill, the report, the CBO cost estimate, explained what was in the amendment to be hotlined, and provided a copy of the revised CBO cost estimate that reflected striking the section that reauthorized the SBIC participating securities program and the section that triggered direct spending. The bill has a very modest cost, reduces the historic authorization levels, and has the potential to have a very positive impact on the economy, through investment and job creation. We would be happy to work with our colleagues to try and clarify any other misunderstandings and to work through any substantive concerns. I ask unanimous consent that a copy of the amendment be printed in the RECORD.

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

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Small Business Venture Capital Act of 2007".

SEC. 2. DEFINITIONS.

In this Act—

(1) the terms "Administration" and "Administrator" mean the Small Business Administration and the Administrator thereof, respectively;

(2) the term "low-income geographic area" has the meaning given that term in section 351 of the Small Business Investment Act of 1958 (15 U.S.C. 689), as amended by this Act;

(3) the term "New Markets Venture Capital company" has the meaning given that term in section 351 of the Small Business Investment Act of 1958 (15 U.S.C. 689); and

(4) the term "New Markets Venture Capital Program" means the program under part B of title III of the Small Business Investment Act of 1958 (15 U.S.C. 689 et seq.).

SEC. 3. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

- Sec. 1. Short title.
- Sec. 2. Definitions.
- Sec. 3. Table of contents.

TITLE I—SMALL BUSINESS INVESTMENT COMPANY PROGRAM

Sec. 101. Reauthorization.
 Sec. 102. Leverage.
 Sec. 103. Investments in smaller enterprises.
 Sec. 104. Maximum investment in a company.

TITLE II—NEW MARKETS VENTURE CAPITAL PROGRAM

Sec. 201. Diversification of New Markets Venture Capital Program.
 Sec. 202. Establishment of Office of New Markets Venture Capital.
 Sec. 203. Low-income geographic areas.
 Sec. 204. Applications for New Markets Venture Capital Program.
 Sec. 205. Operational assistance grants.
 Sec. 206. Authorization.

TITLE I—SMALL BUSINESS INVESTMENT COMPANY PROGRAM

SEC. 101. REAUTHORIZATION.

Section 20 of the Small Business Act (15 U.S.C. 631 note) is amended by inserting after subsection (e) the following:

“(f) SMALL BUSINESS VENTURE CAPITAL.—For the programs authorized under part A of title III of the Small Business Investment Act of 1958 (15 U.S.C. 681 et seq.), the Administrator is authorized to make—

- “(1) \$2,000,000,000 in guarantees of debentures for fiscal year 2007;
- “(2) \$2,250,000,000 in guarantees of debentures for fiscal year 2008;
- “(3) \$2,500,000,000 in guarantees of debentures for fiscal year 2009; and
- “(4) \$2,750,000,000 in guarantees of debentures for fiscal year 2010.”.

SEC. 102. LEVERAGE.

(a) IN GENERAL.—Section 303(b)(2) of the Small Business Investment Act of 1958 (15 U.S.C. 683(b)(2)) is amended to read as follows:

“(2) MAXIMUM LEVERAGE.—

“(A) IN GENERAL.—The maximum amount of outstanding leverage made available to any 1 company licensed under section 301(c) may not exceed the lesser of—

- “(i) 300 percent of private capital; or
- “(ii) \$150,000,000.

“(B) MULTIPLE LICENSES UNDER COMMON CONTROL.—The maximum amount of outstanding leverage made available to 2 or more companies licensed under section 301(c) that are commonly controlled (as determined by the Administrator) may not exceed \$225,000,000.

“(C) INVESTMENTS IN WOMEN-OWNED AND MINORITY-OWNED BUSINESSES AND IN LOW-INCOME GEOGRAPHIC AREAS.—

“(i) IN GENERAL.—The maximum amount of outstanding leverage made available to—

- “(I) any 1 company described in clause (ii) may not exceed the lesser of—
- “(aa) 300 percent of private capital; or
- “(bb) \$175,000,000; and
- “(II) 2 or more companies described in clause (ii) that are commonly controlled (as determined by the Administrator) may not exceed \$250,000,000.

“(ii) APPLICABILITY.—A company described in this clause is a company licensed under section 301(c) that certifies in writing that not less than 50 percent of the dollar amount of investments of that company shall be made in companies that, prior to that investment, are owned by women or minorities (as determined by the Administrator) or are located in a low-income geographic area (as that term is defined in section 351).

“(D) EXCEPTION.—The Administrator may, on a case-by-case basis, impose such additional terms and conditions relating to the maximum amount of outstanding leverage made available as the Administrator determines to be appropriate to minimize the risk of loss to the Administration in the event of a default.”.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—Section 303(b) of the Small Business Investment Act of 1958 (15 U.S.C. 683(b)) is amended by striking paragraph (4).

SEC. 103. INVESTMENTS IN SMALLER ENTERPRISES.

Section 303(d) of the Small Business Investment Act of 1958 (15 U.S.C. 683(d)) is amended to read as follows:

“(d) INVESTMENTS IN SMALLER ENTERPRISES.—The Administrator shall require each licensee, as a condition of an application for leverage, to certify in writing that not less than 25 percent of the aggregate dollar amount of financings of that licensee shall be provided to smaller enterprises.”.

SEC. 104. MAXIMUM INVESTMENT IN A COMPANY.

Section 306(a) of the Small Business Investment Act of 1958 (15 U.S.C. 686(a)) is amended by striking “20 per centum” and inserting “30 percent”.

TITLE II—NEW MARKETS VENTURE CAPITAL PROGRAM

SEC. 201. DIVERSIFICATION OF NEW MARKETS VENTURE CAPITAL PROGRAM.

(a) SELECTION OF COMPANIES IN EACH GEOGRAPHIC REGION.—Section 354 of the Small Business Investment Act of 1958 (15 U.S.C. 689c) is amended by adding at the end the following:

“(f) GEOGRAPHIC GOAL.—In selecting companies to participate as New Markets Venture Capital companies in the program established under this part, the Administrator shall have as a goal to select, from among companies submitting applications under subsection (b), at least 1 company from each geographic region of the Administration.”.

(b) PARTICIPATION IN NEW MARKETS VENTURE CAPITAL PROGRAM.—

(1) ADMINISTRATION PARTICIPATION REQUIRED.—Section 353 of the Small Business Investment Act of 1958 (15 U.S.C. 689b) is amended in the matter preceding paragraph (1), by striking “under which the Administrator may” and inserting “under which the Administrator shall”.

(2) SMALL MANUFACTURER PARTICIPATION.—Section 353(1) of the Small Business Investment Act of 1958 (15 U.S.C. 689b(1)) is amended by inserting after “section 352” the following: “(with a goal of at least 1 such agreement to be with a company engaged primarily in the development of and investment in small manufacturers, to the extent practicable)”.

SEC. 202. ESTABLISHMENT OF OFFICE OF NEW MARKETS VENTURE CAPITAL.

Title II of the Small Business Investment Act of 1958 (15 U.S.C. 671) is amended by adding at the end the following:

“SEC. 202. OFFICE OF NEW MARKETS VENTURE CAPITAL.

“(a) ESTABLISHMENT.—There is established in the Investment Division of the Administration, the Office of New Markets Venture Capital.

“(b) DIRECTOR.—The head of the Office of New Markets Venture Capital shall be an individual appointed in the competitive service or excepted service.

“(c) RESPONSIBILITIES OF DIRECTOR.—The responsibilities of the head of the Office of New Markets Venture Capital include—

“(1) to administer the New Markets Venture Capital Program under part B of title III;

“(2) to assess, not less frequently than once every 2 years, the nature and scope of the New Markets Venture Capital Program and to advise the Administrator on recommended changes to the program, based on such assessment;

“(3) to work to expand the number of small business concerns participating in the New Markets Venture Capital Program; and

“(4) to encourage investment in small manufacturing.”.

SEC. 203. LOW-INCOME GEOGRAPHIC AREAS.

(a) IN GENERAL.—Section 351 of the Small Business Investment Act of 1958 (15 U.S.C. 689) is amended—

(1) by striking paragraph (2);
 (2) by redesignating paragraphs (3) through (8) as paragraphs (2) through (7), respectively; and

(3) in paragraph (2), as so redesignated—

(A) in the matter preceding subparagraph (A)—

(i) by striking “the term” and inserting “The term”; and

(ii) by striking “means”;

(B) by striking subparagraph (A) and inserting the following:

“(A) means a ‘low-income community’ within the meaning of section 45D(e) of the Internal Revenue Code of 1986 (relating to the new markets tax credit); and”;

(C) in subparagraph (B), in the matter preceding clause (i), by inserting “includes” before “any area”.

(b) APPLICATION OF AMENDED DEFINITION TO CAPITAL REQUIREMENT.—The definition of a low-income geographic area in section 351 of the Small Business Investment Act of 1958, as amended by subsection (a), shall apply to capital raised by a New Markets Venture Capital company before, on, or after the date of enactment of this Act.

SEC. 204. APPLICATIONS FOR NEW MARKETS VENTURE CAPITAL PROGRAM.

Not later than 1 year after the date of enactment of this Act, the Administrator shall prescribe standard documents for an application for final approval by a New Markets Venture Capital company under section 354(e) of the Small Business Investment Act of 1958 (15 U.S.C. 689c(e)). The Administrator shall ensure that such documents are designed to substantially reduce the cost burden of the application process on a company making such an application.

SEC. 205. OPERATIONAL ASSISTANCE GRANTS.

(a) IN GENERAL.—Section 358(a)(4)(A) of the Small Business Investment Act of 1958 (15 U.S.C. 689g(a)(4)(A)) is amended to read as follows:

“(A) NEW MARKETS VENTURE CAPITAL COMPANIES.—Notwithstanding section 354(d)(2), the amount of a grant made under this subsection to a New Markets Venture Capital company shall be equal to the lesser of—

“(i) 10 percent of the private capital raised by the company; or

“(ii) \$1,000,000.”.

(b) CONFORMING AMENDMENT AND LIMITATION ON TIME FOR FINAL APPROVAL OF COMPANIES.—Section 354(d) of the Small Business Investment Act of 1958 (15 U.S.C. 689c(d)) is amended to read as follows:

“(d) REQUIREMENTS TO BE MET FOR FINAL APPROVAL.—The Administrator shall grant each conditionally approved company 2 years to raise not less than \$5,000,000 of private capital or binding capital commitments from one or more investors (other than agencies or departments of the Federal Government) who met criteria established by the Administrator.”.

SEC. 206. AUTHORIZATION.

Section 368(a) of the Small Business Investment Act of 1958 (15 U.S.C. 689q(a)) is amended—

(1) in the matter preceding paragraph (1), by striking “fiscal years 2001 through 2006” and inserting “fiscal years 2007 through 2010”; and

(2) in paragraph (2), by striking “\$30,000,000” and inserting “\$20,000,000”.

Mr. KERRY. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

INFLAMED RHETORIC

Mr. SPECTER. Mr. President, I have sought recognition to comment about a statement made by the majority leader, Senator HARRY REID, yesterday that:

. . . President Bush, he is the man who is pulling the strings on the 49 puppets he has here in the Senate.

I have had my staff advise his staff that I intended to make some comments about that so he would be notified and could come to the floor if he chose to do so. His office is right adjacent to the floor. He is a minute or 2 away. I believe that is a very inappropriate statement.

I refer to rule XIX of the Senate rules, which provides:

. . . No Senator in debate shall, directly or indirectly, by any form of words impute to another Senator or to other Senators any conduct or motive unworthy or unbecoming a Senator.

It is my view that being called a puppet is in direct violation of that rule. I don't think there is much doubt about it. That is a term of derision, of ridicule, of censure, and it is an opprobrious term to make that statement.

I am especially concerned about it because in the immediate past there have been many Senators who have directly disagreed with the President—hardly puppets of President Bush or hardly puppets of anyone. Under our Constitution, the separation of powers makes the Congress separate from the executive branch and from the courts. That separation and that independence is something that Senators prize so very highly. So I don't take it lightly, and I don't think the other 48 of my colleagues take it lightly to be called puppets.

Let's look at the record. Within the past month, on November 8, 35 Republicans voted to override President Bush's veto of the Water Resources and Development Act. The veto was overridden; 35 disagreed with the President. It hardly sounds like there are 35 puppets there to vote to override the President's veto.

On April 11, 18 Republicans joined in support of the Stem Cell Enhancement Act of 2007. That is an issue that this Senator has worked on extensively since 1998, when stem cells first came upon the scene, and I was chairing the Appropriations Subcommittee on Health and Human Services. We have had some 20 hearings. Twice we enacted legislation to authorize the use of Federal funds for embryonic stem cell research. It doesn't sound like the 18 Senators who bucked the President's position are puppets.

On November 13, less than a month ago, 17 Republican Senators voted to support the SCHIP program, which the

President was on record as opposing. He didn't like the amount of money that was involved with children's health. On November 7, 10 Republican Senators voted in support of passage of the Labor, Health, Human Services and Education Appropriations bill, despite the President's promised veto. He did veto it.

So here you have 4 situations readily at hand, where 35, 18, 17, and 10 Republican Senators disagreed with the President. It doesn't sound like the Senators are puppets in that context.

Yesterday Senator REID also complained about the necessity to file cloture some 56 times. Well, each time cloture was filed, there is a complex story behind the cloture. On a good many of those occasions, cloture was filed and the so-called tree was filled, which precluded Senators from offering amendments. There was a time when Senators proudly said that any Senator could offer any amendment on any bill at any time. There might be some limitations postcloture on germaneness or on some rules, but a practice has developed in this body to foreclose that. The jargon is the "filling the tree," and when the tree is filled, nobody can offer an amendment.

Regrettably, that has been done by Republicans as well as Democrats. When it is hard to affix blame around here for the logjam, for our inability to get much done, you can usually divide it 50/50 between the parties. So to say Senator REID has had to file cloture on 56 occasions doesn't tell you very much.

Then the issue he took up yesterday in filing for cloture on the AMT, alternative minimum tax, Senator REID filed for cloture on the House bill, which stands very little chance of passing the Senate because it is fully offset with controversial revenue raisers. Now it is true that Senate Democrats offered to remove the offsets but to keep them in place for the tax extenders. The Republican position has been that it is illogical to use permanent tax increases to offset a temporary extension of current tax policy. So there is a good reason for what is being done here.

There is no doubt the AMT has to have a fix. If it is not done, there will be some 23 million Americans who will be taxed instead of the 3 million now. So we are all dedicated to that proposition. If you take a look at the RECORD on August 2 of this year, I offered an amendment to the small business tax relief bill to repeal the 1993 AMT rate increase.

On July 20, 2007, I voted in support of a Kyl amendment to the educational reconciliation bill, which fully repealed the AMT.

On March 23 of this year, I voted in support of a Lott amendment to the budget resolution that would have allowed for repeal of the 1993 AMT rate increase.

Again, on the same day, March 23, I voted in support of a Grassley amend-

ment to the budget resolution that would have allowed the full repeal of the AMT.

The same day, I voted in support of the Sessions amendment to the budget resolution that would have allowed families to deduct personal exemptions when calculating their AMT liability.

The RECORD is full of good-faith efforts to solve this problem. But as indicated, as stated, the course which the majority leader has taken is unsatisfactory to people on this side of the aisle. Whether it is satisfactory or unsatisfactory, it is not appropriate to call 49 Republican Senators puppets. We are trying to move through the business of the year—the people's business. We have 2½ weeks. Not a whole lot has been done. We were in on Monday; no votes. In yesterday; one non-controversial vote. We didn't come in until noon today.

I have been around here a substantial period of time and I wonder how we are going to get through all of the unfinished appropriations bills and the many other matters that are pending on the calendar. When the majority leader makes a proposal and asks for Republican assistance, many of us have been willing to listen to what he has to say. But he doesn't improve his case when he starts calling us puppets. I wonder if he is up to the job when he resorts to that kind of a statement, which only furthers the level of rancor and insults and animosity with that kind of an insulting comment.

I would be interested in the majority leader's reply, if he cares to make one. I will be near by the Senate floor.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

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

THE FARM BILL

Mr. CONRAD. Mr. President, I come to the floor to talk about the negotiations on the farm bill and to ask my Republican colleagues to think very carefully—especially the farm State colleagues—about the circumstance we face with respect to the farm bill.

The majority leader made an offer to the Republican leader during the break that we would have a chance to move forward if they could do 10 amendments on their side and we can do 5 amendments on our side; that 2 of their 10 be unrelated to the farm bill, and that we have 2 additional amendments, and the bipartisan amendments that have been filed would not count against either allocation. That offer was made to Senator MCCONNELL, and Senator MCCONNELL has not yet answered or counteroffered.

I hope the Republican leader will indicate how we could proceed. If there is

a need for additional amendments—apparently, Senator HARKIN indicated it would be reasonable if there were 17 perhaps on their side and 14 on our side. Whatever the number is that would help us reach a conclusion would be very important for our being able to advance the legislation that came out of the committee, without a dissenting vote.

There are 21 Members of the Senate Agriculture Committee, Republicans and Democrats. This farm bill came out without a single dissenting vote. It is paid for, it is less costly than the President's farm proposal, and it has the beginnings of reform.

This is a reasonable offer. Certainly, Senator REID made it. If you look at previous farm bills, typically the number of recorded votes have been about 20 amendments, sometimes a bit more, sometimes a bit less. On average, there have been around 20 amendments that have actually been voted on. Senator REID's proposal would have 17 rollcall votes before final passage. So that would be a bit below the average. The leader has made clear that if there are some additional amendments that are required in order to advance this proposal, he is open to doing that.

The current farm bill expires this year. Farmers need to know and their bankers need to know what the rules of the road are going to be. So it is absolutely essential we get this legislation through the Senate and we have an opportunity to go to conference with the House to work out the differences in the early part of next year.

Let me make one final point, if I may. Some are saying just extend the current farm bill by a year or two. First of all, we know that if it is a 1-year extension, it will be 2 years because next year is an election year. Beyond that, our colleagues should know the baseline for writing a farm bill is based on the last 5 years of experience with farm legislation. That baseline is already down substantially because the last farm bill cost \$17 billion less than the estimates at the time it was written. That baseline is going to go only in one direction for the commodity provisions at least, and that is down.

So anybody who is concerned about writing a farm bill that meets the needs of the American people—not just the commodity title but nutrition, conservation, research, and all the rest—should understand this noose is going to do nothing but get tighter. It is already very tight—very tight.

I hope our colleagues on the other side bend their best efforts to come up with a response to the proposal the majority leader made to reach conclusion, and I hope they do it soon. The clock is ticking. American farm and ranch families across this country are waiting. We should not ask them to wait past Christmas. So much needs to be done, so many decisions need to be made, but Congress needs to act now.

I yield the floor.

UNANIMOUS-CONSENT REQUEST— H.R. 3074

Mrs. MURRAY. 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, related agencies appropriations, 2008; 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 PRESIDING OFFICER. Is there objection?

Mr. SPECTER. Mr. President, on behalf of the Republican leadership, I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Washington.

Mrs. MURRAY. Mr. President, I have come to the floor today to make sure the record is clear on the difference between what is being said in Washington, DC, today and what is actually taking place.

Yesterday, President Bush took to the microphones to complain for the second day in a row that Congress was not getting its work done. For a second day in a row, he complained that Congress is not sending him appropriations bills that fund the most basic functions of Government. And for a second day in a row, our minority leader, Senator MCCONNELL, followed suit. He came out on the Senate floor and complained that Congress has not sent the appropriations bills to the President.

Let's be clear, I made a request to pass the final conference bill for the transportation-housing appropriations bill so it could be sent to President Bush. What was the result? The Republican Senators blocked it from going to the White House, and that was not the first time that happened. They blocked the transportation-housing appropriations bill from going to the White House twice before. Mr. President, 2½ weeks ago on November 15, they blocked it; 2½ weeks ago on November 16, they blocked it; and then they blocked it again today.

Let me tell you what is going on here. President Bush and the Senate Republican leadership are trying to quietly block our progress on funding the needs of the American people while loudly complaining about our failure to make progress.

I would understand the actions of the Senate Republican leadership if our transportation-housing bill was partisan or divisive, but the conference agreement we are trying to move again today has the support of every single Republican who sat on the conference committee in the House and in the Senate. That bill originally passed the Senate with 88 votes. That conference agreement has already passed the House with 270 votes.

This is not a controversial bill. It makes critical investments in some of the most urgent needs of the American people and their local communities. That bill provides \$195 million to replace the I-35W bridge that collapsed in Minnesota, an issue all of us came out on the floor and said we would move rapidly to take care of. It is sitting right here in the Senate, one step away from getting it to the President to be signed into law, and the Republican leadership said no. So they are loudly complaining about our failure to make progress.

I would understand the actions of the Senate Republican leadership if they had not taken a look at this bill and realized the critical funding in it. Besides the \$195 million for the I-35W bridge, we have \$1 billion in enhanced highway formula funding so all our States—all 50 States—can inspect and make repairs to their most deficient bridges, an issue we all agreed was important.

We have \$75 million in new housing vouchers that will shelter homeless veterans, including our struggling veterans who have returned from Iraq and Afghanistan. This is critical funding for which our communities and our veterans are waiting.

It rejects hundreds of millions of dollars in cuts that were originally proposed by the White House, cuts that would have thrown Amtrak into bankruptcy and made the congestion at our airports worse, not better.

Our bill also includes \$200 million which is urgently needed to provide housing counseling services to keep struggling mortgage holders in their homes.

I wish to take a moment to talk about that last item, the \$200 million for housing counseling. This Nation is in the middle of a housing crisis. Millions of homeowners are at risk of losing their homes in the next few quarters as interest rates on billions and billions of dollars in mortgages are being adjusted upward.

On Monday, a few days ago, the President's own Treasury Secretary, Hank Paulson, and his Housing Secretary, Alphonso Jackson, made speeches on the need for Congress to address the many steps necessary to minimize this crisis. Secretary Paulson complained at a national housing forum about the number of borrowers who were entering foreclosure without contacting either their lender or their mortgage counselor. He said:

For this public outreach campaign to be successful, there must be enough trained mortgage counselors to answer the phone when homeowners call. The administration requested funding for NeighborWorks America and other nonprofit mortgage counseling operations in its budget.

EXTENSION OF MORNING BUSINESS

The PRESIDING OFFICER. The Senator's time under morning business has expired.

Mrs. MURRAY. Mr. President, I ask for 4 additional minutes to finish my statement.

The PRESIDING OFFICER. Is there objection?

Mr. CORNYN. Mr. President, I was going to use the occasion to ask unanimous consent that following the Senator from Washington speaking, I would like to be recognized for up to 10 minutes in morning business.

Mrs. MURRAY. Mr. President, we have a number of Senators on our side seeking recognition. Perhaps we can put that together fairly quickly.

The PRESIDING OFFICER. The Chair notes that at this time, there is 5 minutes left in morning business for the Republican side. The Democratic side has used all of its time in morning business.

Mrs. MURRAY. Mr. President, I ask unanimous consent that morning business be extended to include 4 minutes for myself, the Senator from Washington—

Mr. CORNYN. I would like 10 minutes.

Mrs. MURRAY. Ten minutes to the Senator from Texas, 5 minutes to the Senator from Montana, 10 minutes to the Senator from Illinois.

The PRESIDING OFFICER. Is there objection?

Mr. DORGAN. Mr. President, I assumed we were going to go off morning business and onto the calendar. I was going to speak for 20 minutes, so I will speak in line of appearance on the floor for 20 minutes at whatever appropriate time that is.

Mrs. MURRAY. I add that to the consent request, that if there are Republican Senators who would like intervening times, in between, we include those as well in the unanimous consent request.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. Reserving the right to object, and I will not object, I express my appreciation to the Senator from Washington for allowing Republican Senators to intervene and the extent to which Democratic Members speak, I would like to make sure we have equivalent time on our side. I think we can work that out.

Mrs. MURRAY. That is included in my request. I ask additionally that Senator MENENDEZ be allowed 10 minutes as well as the end of that unanimous subsequent request.

The PRESIDING OFFICER. Is there objection? The Senator from Montana.

Mr. BAUCUS. I ask that my 5 minutes be expanded to 10 minutes.

The PRESIDING OFFICER. Does the Senator so modify her request?

Mrs. MURRAY. I do.

The PRESIDING OFFICER. The request is so modified. Is there objection to the existing unanimous consent request? Without objection, it is so ordered.

THUD APPROPRIATIONS

Mrs. MURRAY. Mr. President, as I was saying, Secretary Paulson has

been complaining about the need for mortgage counseling, and he said:

For this public outreach campaign to be successful, there must be enough trained mortgage counselors to answer the phone when homeowners call. The administration requested funding for NeighborWorks America and other nonprofit mortgage counseling operations in its budget. But the appropriations bill has yet to be finalized; Congress needs to get it done quickly.

That was not me, that was Secretary Paulson. We can do that right now. In fact, we could have done it last month. We are trying desperately to send this bill in its final stages that includes critical investment in housing counseling to the White House, just as Secretary Paulson said he wanted us to do.

The bipartisan conferees on this bill agree that the amount the President asked for was too low to meet the demand for housing counseling, given the size of the problem. Congress acted. We increased it substantially. But even though every Republican conferee on our bill signed onto that plan, we are now being blocked from sending it to the White House. I only wish the Senate Republican leadership would follow the words of Secretary Paulson and Secretary Jackson about the need for this urgent initiative.

Yesterday's Washington Post published an article on our \$200 million housing counseling initiative. I ask unanimous consent to have printed in the RECORD the Washington Post article.

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

[From the Washington Post, Dec. 4, 2007]

NONPROFIT GROUPS TAKE CENTER STAGE

(By Renae Merle)

In the middle of his speech yesterday on the administration's efforts to fix the mortgage crisis, Treasury Secretary Henry M. Paulson Jr. paused to carefully spell out a toll-free telephone number that troubled homeowners can call for help.

The hotline is not staffed by government officials or mortgage lenders. Rather, the calls are answered by consumer counselors from nonprofit groups, which are taking an increasingly high-profile role in helping borrowers with mortgage problems.

The groups are acting in some cases as a buffer between lenders and homeowners. Legislation is pending before Congress that would tap NeighborWorks America, a national nonprofit group, to distribute \$200 million to local counseling centers. In October, the Neighborhood Assistance Corporation of America, often a vocal critic of mortgage lenders, signed a deal with Countrywide Financial, the nation's biggest mortgage lender, to help restructure loans for struggling Countrywide clients.

However the administration addresses the mortgage crisis, "they are going to need the nonprofit community," said Kenneth D. Wade, chief executive of NeighborWorks.

His group is training new housing counselors and plans to double its counseling staff by next month. "We think every consumer needs a mortgage adviser," he said.

Nonprofit organizations around the country are already seeing a soaring demand for their services. St. Ambrose Housing Aid Center in Baltimore, which usually sees about 700 families a year, says it has met with almost 2,000 so far this year.

At the National Foundation for Credit Counseling, where about half the counselors at its member agencies focus on housing issues, President Susan Keating says: "We are very, very busy."

Government and mortgage industry officials don't often agree on what caused the mortgage crisis, what its impact will be, or how to cure it, but they all say that reaching homeowners before they go into foreclosure is difficult.

If a homeowner with an adjustable-rate mortgage that is about to reset, or one who is behind in payments receives mail from his lender offering help, the homeowner responds 3 to 5 percent of the time, according to Hope Now, a new alliance of mortgage industry and nonprofit organizations. If the offer comes from a community group, the response rate is about 25 percent. About 50 percent of homeowners who go into foreclosure do so without ever contacting their lender.

"If we are to make a difference, that number has to be reduced," Paulson said.

The best hope, many think, may be through the nonprofit community. The toll-free number Paulson touted—888-995-HOPE—has seen a spike in volume, to 3,000 calls a day from 300 a year ago.

There are 180 consumer counselors from six nonprofit groups answering those calls. That will increase to 250 by the end of the year, according to the Homeownership Preservation Foundation, which manages the hotline.

With an estimated 2 million adjustable-rate mortgages scheduled to reset in the next two years, even that likely will not be enough. "We are definitely not going to be stopping at 250," said Tracy Morgan, a spokeswoman for the foundation, which is largely financed by the mortgage industry.

The counselors focus on diagnosing the homeowners' problems, then direct them to a local community group for help or guide them through a call with their lender. The initial call usually lasts about 45 minutes as the counselor puts together a detailed budget analysis and creates an action plan for the homeowner, according to the foundation. That could include getting a second job or reducing spending. The foundation does not charge homeowners for the service.

In a separate program, the Neighborhood Assistance Corporation of America acts as a go-between, working out deals with lenders on behalf of borrowers. Under its deal with Countrywide, the Neighborhood Assistance Corporation of America has restructured about 200 loans.

Like many nonprofit groups, it has seen demand for its services climb in the past year and attributes most of the increase to homeowners with adjustable-rate mortgages. To keep up with demand, the organization is opening five offices around the country and is hiring about 30 employees a month.

"This is just the beginning. It is going to get far worse," said Bruce Marks, the group's chief executive.

Mrs. MURRAY. Mr. President, this article describes the importance of nonprofit housing counseling agencies and all they can do to help keep our mortgage holders in their homes.

Finally, I wish to say this: In the recent days, the storms in my State of Washington highlight how critical and important this bill is. Devastating mud slides and floods in my State of Washington and the State of Oregon have swamped out homes and washed out roads all across our States. It has been devastating. Families are hurting. People cannot get to work. People cannot get to where they need to go. Many of

our roads are closed, including a 20-mile stretch of Interstate 5, a major artery connecting Seattle and Portland, which will be closed through Thursday, possibly longer, and the floods have virtually isolated communities across the Pacific Northwest. My heart goes out to all these families who have been affected.

We are going to be feeling the effect of this storm you have been watching on television for days, weeks, possibly months. That is not just because it caused serious damage to our roads and bridges. The closure of I-5 forced cars and trucks traveling from Seattle to Portland to detour all the way to the Tri-Cities. That is a drive that not only takes 4 hours longer, but it means our drivers have to go across a high mountain pass, not once but twice, to get to Portland. Think about the effect that is going to have on our businesses and our economy.

The impact of that storm reinforces how important transportation infrastructure is to every single one of us. We need to make those investments in our roads, in our bridges, in our airports, in our railways because one rain storm, one bridge disaster, one airport disruption can have huge impacts on our families and our economy throughout the region and throughout the country.

I am deeply disappointed the Republican leadership has said no. This is a bill that has passed the conference committee, passed the House, and it has one more step to make it to the President. It has bipartisan support. There is no reason we cannot finish this business, send it to the President, and get one of the critical appropriations bills done that he has been yelling we have been holding up. It is here. We are ready. We are waiting for a response.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. Mr. President, I hear the distinguished Senator from Washington and other Members on that side of the aisle complain about their inability to get things done. But I have to remind them, here we are on December 5, 2007. We have been operating on a continuing resolution because the majority has failed to pass and send to the President 11 appropriations bills. We are not doing the basic work Congress is supposed to do to keep the lights on, to keep the Government working. Unfortunately, it doesn't stop there.

Mr. BAUCUS. Will the Senator yield?

Mr. CORNYN. I will not yield.

Mr. BAUCUS. I think the Senator from Washington made a point to show the Senator from Texas is incorrect.

Mr. CORNYN. I will reclaim my right to the floor.

The PRESIDING OFFICER. The Senator from Texas has the floor.

Mr. CORNYN. I will be glad to respond to the distinguished Senator after I conclude my remarks.

The fact now is that we have before us an effort—a misguided effort—to protect 23 or so million Americans from a middle-class tax increase. We know health care providers and physicians are going to be subjected to Draconian cuts in their reimbursement rates. We know our intelligence community needs a permanent solution to the Foreign Intelligence Surveillance Act, which will expire in February. And we know that instead of providing the funding to our troops that they need in order to protect us and our allies in the global war on terror, we are seeing strings attached, other qualifications insisted upon by the other party, which have impeded and slowed down and, indeed, to this point stopped our ability to fund our troops.

I wish to particularly, though, focus on the tax increase that, as a result of the inaction of the majority—the so-called alternative minimum tax—is going to take place unless we find some way to work our way through this issue without a tremendous tax increase on other hard-working Americans.

If there were ever a misnomer for a tax, this would be it because for an increasing number of Americans the alternative minimum tax is neither alternative, nor is it minimal.

Congress, it should be remembered, created the AMT almost 40 years ago in response to the testimony of the then-Secretary of the Treasury that 155 taxpayers paid zero Federal income tax on their 1967 tax returns. Unfortunately, but I guess predictably, this tax, created to target the very rich, the 155 who paid no taxes, has now grown to cover roughly 6 million people today and will grow to cover roughly 23 million people next year unless action is taken. It has, in the process, grown to cover more and more taxpayers and now will capture unsuspecting middle-class taxpayers by surprise unless Congress acts. This is because, unlike the regular income tax, the AMT is not indexed for inflation. This means that over time, economic growth and inflation have caused a steady increase in the number of middle-income taxpayers who will get hit by the AMT. Working parents who have children and qualify for deductions and credits under the standard tax system get a rude awakening when they discover they are subjected to the alternative minimum tax, which literally cancels out many of these deductions. This will add unnecessary complexity to the Tax Code and increase tax compliance costs and complicate taxpayers' decisions.

In recent years, Congress has enacted temporary fixes to prevent the AMT from hitting millions of taxpayers with a higher tax bill. While this solution is not perfect, it did at least limit the reach of the AMT.

Now, the Senate has considered legislation on five different occasions that would have either eliminated the AMT or greatly scaled it back. In one instance, not a single member of the ma-

majority party voted to fully repeal the AMT, and only one Democrat supported a proposal that would have rolled the increase in the AMT back to rates that took place under President Clinton. Of course, history tells us that President Clinton himself vetoed the bill that would have eliminated the AMT back in 1999.

We know the majority leader has now filed cloture on H.R. 3996, known as the Temporary Tax Relief Act of 2007. Note, Mr. President, the title, "Temporary Tax Relief." While the bill provides limited temporary relief for taxpayers, it, at the same time, permanently increases taxes on America's entrepreneurs and makes it more difficult for the United States to remain competitive in the global capital market. In other words, it makes taxpayers pay for the mistake Congress made 40 years ago when it created the AMT.

The bill makes fundamental changes to the laws affecting the taxation of partnerships. These partnerships have successfully encouraged the pooling of capital, ideas, and skills in a manner that promotes entrepreneurship and risk-taking, and, not to be overlooked, jobs. The bill raises taxes on capital formation in the United States and will increase the cost of and thus decrease the availability of capital to businesses throughout the country. The bill will severely handicap a vibrant and growing part of the U.S. economy in terms of our global competitiveness.

International competition for capital is a driving factor for business. At a time when many of us are raising concerns regarding the competitiveness of U.S. capital markets and pointing out that our economic competitors are doing everything they can to emulate the success of our capital markets, the last thing we should want to do is to put the United States and U.S. businesses to a disadvantage by increasing taxes on capital formation and driving investment dollars away to other markets. We simply can't afford for the Senate to tax long-term investments in a way that puts America at a competitive disadvantage.

Many on the other side would argue that any AMT relief should be "paid for" by raising revenue in order to neutralize the effect of the AMT cut. They say they can't just fix the AMT because it is revenue they have already anticipated. This is a revenue which, in fact, they need to fund the ever-increasing growth of the Federal Government, unfortunately demonstrated by pork-laden appropriations bills and a bloated budget. At every turn throughout the year's appropriations season, we have seen the majority push for more and more spending. Threatened with a Presidential veto, they have dared the President to veto these bloated spending bills, only to find us in the mess we are in today.

Those on the other side of the aisle have been counting on the increased revenue from the AMT to fund their growth of the Federal Government.

They seem to consider the mistaken growth of the AMT to be some kind of windfall profit, and, in fact, they seem to have forgotten where the money comes from in the first place. We all should know it comes from hard-working American taxpayers, families, people in my State of Texas who already pay their fair share of taxes and can't afford to bear the burden of the Government's mistakes. So rather than fix the AMT and protect taxpayers from this unwarranted and unexpected tax increase, my colleagues would prefer to replace the AMT revenue with a new tax under a new name. I have to tell you that this kind of shell game is a too typical Washington approach.

Instead of figuring out ways to keep the hands of Washington bureaucrats in the pockets of taxpayers, this Congress ought to continue to do all it can to protect millions of middle-class taxpayers from a tax that no one ever intended for them to have to pay in the first place. Taxpayers already work for 4 months out of the year to pay their local, State, and Federal taxes. The last thing Congress should be doing is increasing the number of days American taxpayers work for Uncle Sam instead of for their families.

What is worse, Congress's inability to provide timely AMT relief will also cause unnecessary delays in processing tax returns and getting refunds to taxpayers who are entitled to them. The IRS Oversight Board, an independent board created by Congress as part of the IRS Restructuring and Reform Act of 1998, told Congress just last month that a delay threatens the IRS's ability to process returns and issue refunds in a timely manner and will impose a significant burden on taxpayers. But that is where we find ourselves today as a result of the mismanagement of our agenda.

According to the IRS governing Oversight Board, delaying the filing season by just 2 weeks would delay the processing of 6.7 million returns, putting a hold on \$17 billion in refunds owed to hard-working American taxpayers. If the tax season is delayed by 1 month, this would delay 40 million returns from being processed, and \$87 billion in refund checks owed to taxpayers would remain in the Federal Treasury. This is real money to real Americans, and the political games surrounding it ought to end. We should not be using the AMT relief as hostage to be exchanged for tax-and-spend policies and the growth of the Federal Government. Taxpayers can't afford it and neither can the American economy.

Mr. President, I yield the floor.

THE PRESIDING OFFICER (Mr. CARDIN). The Senator from Montana.

Mr. BAUCUS. Mr. President, if I understand the Senator from Texas correctly, he is essentially complaining that Congress has not passed legislation to prevent the alternative minimum tax from going into effect for American taxpayers for calendar year 2007. I think that is basically what he

is saying. I might say, Mr. President, there is not one Senator on the floor who disagrees with that—maybe one or two, but this Senator wants to fix AMT so Americans do not have to pay an additional tax in calendar 2007 when they are preparing their tax returns next year. I daresay virtually every Member on this side of the aisle has that same belief. We do not want to force that additional tax on Americans for all the reasons he correctly stated; namely, this was a provision which was enacted in the code back in the early 1960s intended to ensure—I think there were 200 only, very wealthy Americans who were not paying income taxes and who should pay some income taxes. That was the genesis of the alternative minimum tax. Unfortunately, as has been stated by many speakers, it was not indexed, so over the years more and more middle-income taxpayers have had to pay this additional tax, and frankly, ironically perversely, the most wealthy Americans have escaped.

So this alternative minimum tax does not do what it was intended to do. It was not a tax on the most wealthy because basically the capital gains provisions in it are so low, the net effect is the basic rate is 26 percent for the first \$75,000 and 28 percent just above, and so it affects taxpayers who make between \$75,000 and \$500,000. That is who it hits. We want to repeal that for 2007. Virtually every Senator here wants to repeal that for 2007. We are trying to do it. We are trying to get that enacted—the repeal for 2007—so taxpayers don't pay it.

What has happened? We are being blocked. We are being blocked. Just as the Senator from Washington was trying to get an appropriations bill up, she was blocked in her effort by the other side of the aisle. Just as the President of the United States says: Congress, do your work, do your work, pass appropriations bills, he is, in effect, instructing his minions here to do the opposite—to block. That is what is happening.

The Senator from Texas, I would daresay—and it is a presumption to say this—would probably vote against efforts here on the floor to bring up a way to fix AMT. There is a cloture motion pending right now, Mr. President. It is basically on the House-passed bill to fix AMT. The leader offered a couple suggestions. What are they? One is, well, if we can't do that, let's take up the measure proposed by myself and the ranking member of the Finance Committee, Senator GRASSLEY. What does it provide? It basically says: Okay, repeal AMT. We have the AMT patch unpaid for, 2007. In addition, we have to pass these so-called tax extenders for 1 or 2 years and pay for it. Nobody seems to complain about that; the complaint is whether the AMT should be paid for. We are willing, myself and Senator GRASSLEY, to bring up and advocate the passing of that legislation. Blocked. We couldn't get consent to bring that up. Not paying for AMT but paying for extenders blocked.

Well, Mr. President, I have another suggestion. In fact, it was even mentioned by our leader. Let us bring up AMT not paid for alone. Will the Republicans object to that? So far, they have. I am waiting. Where is the Republican Party? Do they or do they not want AMT fixed in 2007? What could be easier? Bring it up—alone, unpaid for. Where are they? Why don't they accept it? What is going on here, Mr. President? What could be easier? What could be more appropriate? What could be more Republican? Lowering taxes, unpaid for. No, they do not want to do that, either, which is a good indication to me that what is really going on here—what is really going on here—is that side of the aisle will do whatever is possible to prevent the Congress from even passing legislation that is very good for the American people.

Mrs. MURRAY. Will the Senator from Montana yield for a question?

Mr. BAUCUS. I will be glad to yield.

Mrs. MURRAY. Mr. President, I ask the Senator from Montana, within the extenders package is the deduction of the State sales tax extension, something that has been granted by Congress for the last 7 years to a number of States that were, prior to a few years ago, not able to deduct their State sales tax. That is very important to people in my State. We need to have this extender passed. I wish to ask the Senator from Montana if that is one of the issues that is being blocked now by the Republicans as they object to going to this package because as we come up on the end of the year, as families are looking at what to purchase for Christmas, this is something extremely important to them. If this is not going to be extended, it will impact their incomes at a critical time, when we are facing rising gas prices, the cost of our mortgages, and people are worried about everything else.

So I would ask the Senator from Montana, is the State sales tax deduction part of that extension that is now being blocked?

Mr. BAUCUS. I say to my dear friend from Washington that it is part of the extender package that is in there. So if that were extended this year and that would go into effect, the good people of the State of Washington would not have to pay that.

Mrs. MURRAY. I thank the Senator from Montana. It is very important to our State and a number of other States—I believe Texas and other States here. I hope the Republicans don't continue to block this so we can indeed make sure our constituents are taken care of.

Mr. BAUCUS. I appreciate that. I may also say I suspect—I am only guessing here—the objection from the other side of the aisle is in part mischievous. Senators from the other side of the aisle wish to force some votes on some other measures which are not apt at this moment. What are they? President Bush's tax cuts, extending the tax cuts, extending the 2001 tax cuts. Some

Senators on the other side want to force a vote on that. That doesn't expire until 2010. This is 2007; AMT applies to 2007. We have to act now. This isn't 2010.

Others wish to vote on the 2003 tax cuts, which expire—when? Again, 2010. Not now; in 2010.

I see my time is expiring. I strongly urge people to focus on what is going on here—not the rhetoric, just look at the facts. The facts are that I, as chairman of the Finance Committee, am willing and do advocate bringing up legislation to repeal the alternative minimum tax as it applies to taxpayers for 2007. There are various ways to do it. One is the House-passed bill. If that doesn't work, we will do the measure proposed by myself and Senator GRASSLEY, which is AMT, not paid for, but the tax extenders paid for. If that doesn't work, I am even willing to go so far as to see AMT alone, not paid for. That is where we should be and what we should do.

Finally, I don't know if I am known as a partisan guy. I think I tend to be perceived as somebody who tries to work things out, tries to be pragmatic, tries to get things done, not flail in a partisan manner, not engage in flowery rhetoric for the heck of it, getting headlines, and so forth. There comes a time when you have to call it like it is, say it like it is. That is what I am trying to do. I am trying to be practical and pragmatic here by calling it, saying what is going on here, and that is, despite the cries from the other side, despite the cries from the White House for Congress to fix AMT, they themselves, behind the scenes, indirectly, are blocking it. They are blocking it. They are saying one thing and doing something else.

As my father used to tell me, it is deeds, not words. They have the words but they also are blocking the deeds. I hope very much they change their minds and allow us to pass legislation here to fix AMT, because it is up to them to let us do it.

I yield the floor.

The PRESIDING OFFICER. The assistant majority leader is recognized.

Mr. DURBIN. Mr. President, I see the Senator from Georgia is on the floor. I know it is our custom to take turns on each side of the aisle, but I ask his indulgence. I have to chair a subcommittee hearing at 2:30. Unless he has a scheduling conflict, if he would allow me to go first, I would appreciate it.

Mr. ISAKSON. As a Bears fan, I will be happy to relinquish the time to the Senator from Illinois.

Mr. DURBIN. Thank you. We need all the help we can get.

Mr. President, what I have heard this afternoon on the floor of the Senate is nothing short of incredible. The Senator from Washington came to the floor and asked to bring an appropriations bill up for us to consider. Have you noticed how much business we are doing around here? The answer is none.

So there is nothing to conflict with it. We have plenty of time. Shouldn't we earn our paycheck today by doing something? The bill she wanted to bring is an appropriations bill and it is a conference report that has been signed by every Democrat and Republican—bipartisan. Everybody is agreed on it.

She asked to bring it to the floor to consider it, and there was an objection from the Senator from Texas. Senator JOHN CORNYN objected.

Senator MURRAY tried to explain what was in this bill, how important it is. He didn't waiver. He said that is it, we object to considering this bill.

Eventually she yielded the floor to Senator CORNYN who stood up and said, Do you know what is wrong with this Senate? We are not considering any appropriations bills. Just minutes before it was Senator CORNYN of Texas who objected to considering an appropriations bill. That is a matter of record.

But beyond that procedural experience, look what was in that bill. It is not just—just?—transportation and housing and urban development; \$200 million is in there for housing counselors across America. What are they going to do? They are going to try to help families work themselves out of this mortgage foreclosure crisis we are facing. This money is desperately needed. Senator MURRAY worked to put it in the bill so people would have a helping hand to save their homes when they are facing foreclosure.

How big an issue is this? Mr. President, 2.2 million Americans face foreclosure on their mortgages. If they go forward with those foreclosures, 44 million American homes will lose value.

You see, the mortgage crisis is not just your neighbor's problem, it is your problem. If that house on your block is foreclosed upon, the value of your home goes down. That is a fact. So 44 million homeowners across America are waiting to see if this Government will do anything.

Senator MURRAY comes to the floor and tries to move the bill to do something. The Republicans object.

I tell you, this is an issue that strikes home in Illinois. Cook County, where Chicago is located, has the second highest number of foreclosures of any county in America—56,000 mortgage foreclosures. As a result, two out of three homes in Cook County, IL, will lose value. This is a crisis. It is not only a housing crisis, it has put our economy in a tailspin. We are trying to move and act and do something about it, and the Republicans say no. No, we don't want to do that.

That is unfortunate. It is unfortunate for the homeowners who need a helping hand. It is unfortunate for their neighbors who do not realize that this kind of effort by the Republican Senators is not in the best interests of America or its economy.

It troubles me as well because this bill includes money to rebuild the bridge near Minneapolis, the one that

came crashing down, with deaths involved and real concern across America about the quality and safety of our infrastructure. Senator MURRAY, on this bill, on a bipartisan basis, puts money in—\$1 billion, is it?—for bridges across America, including the bridge in Minneapolis.

I would beg Senator NORM COLEMAN of Minnesota to speak to Senator CORNYN of Texas and ask him to take his hold off this bill, to stop objecting for the good of his own home State of Minnesota and for all of our States. I hope Senator CORNYN of Texas will reconsider his position; will remove his objection to this bill; will let us move to this appropriations bill in a timely fashion.

This is not the only time we have run into this. Senator CONRAD of North Dakota was here a moment ago, begging for the farm bill to come to the floor. Every 5 years we have a new farm bill. It takes a lot of work to put it together. It is a very important bill to Illinois and almost every State, and the Republicans have stopped it in its tracks. We waited here on this floor for 2 weeks and did nothing because the Republicans refused to reach an agreement on moving this bill forward. The Senate rules are written so that even a minority party can stop business. Senator CONRAD said, let's agree on a list of amendments. You can have yours, we will have ours, but let's get going, let's get to work. And the Republican answer is no.

It is not the first time. Fifty-six times so far this year, the Republicans have filibustered, stopping debate, stopping legislation, stopping attempts to make America better—56 times.

You might say, I am sure that goes on every day, doesn't it? No. The record in the Senate is 61 filibusters over a 2-year period of time. The Republican Senators this year are about to break the record for filibusters in one Congress in 1 year. It tells you what they are all about. It is not doing the people's business. It is not trying to solve the housing crisis, dealing with the farm issues. It is about stopping the business on the floor of the Senate. They are using that opportunity and that authority to do that.

I want to correct the RECORD. Staff just advised me that Senator SPECTER and not Senator CORNYN was directed on behalf of the Republican leadership to object to the earlier bill. I want to make it clear and apologize to my colleague Senator CORNYN—we are friends—and I misrepresented his position on that because it was, in fact, Senator SPECTER of Pennsylvania speaking on behalf of the Republican leadership. Senator MCCONNELL of Kentucky, who objected to the transportation bill. I hope the RECORD reflects that, and my apologies to Senator CORNYN for mentioning his name improperly.

But the position still stands. A Republican leadership position, directed to stop the appropriations bill, and

then Republicans coming to the floor saying, Isn't it a shame we can't move appropriations bills.

The last thing I want to mention is the alternative minimum tax. This will affect 19 million Americans if we don't change it. Some are in higher income categories. Many are not. We want to make sure we correct this problem and move forward with it. I think the responsible thing to do is, if you are going to cut a tax, either raise another tax or cut spending. I think that is responsible. Republicans reject that. They say we want to cut taxes and we don't want to pay for it. We want to add to the deficit and it is OK, and they can prevail because we don't have 60 votes. It takes 60 votes to accomplish something here on the Senate floor of controversy.

So what we offered to them is their way of looking at the world. We will let you cut this tax and not pay for it, just add to the deficit, the old Republican way of doing things. You prevail. You win. And their answer? No, we won't even let you go to the bill under those circumstances. It is pretty clear; it is a question of blocking and intransigence.

In addition to the fact that the Republicans are blocking the farm bill, an attempt to deal with the mortgage crisis in America, bridge building for the State of Minnesota and all other States, and dealing with the alternative minimum tax, it is pretty clear they want this Congress to end without any accomplishments. They had a do-nothing Congress which cost them control in the last election. They are determined to do everything they can to make sure we do nothing in this Congress.

Sadly, the message to the American voters is we need more votes. If you want real change in Congress, we need more Senators to come to this floor who want to accomplish things, rather than stop things and block things. That is what we have seen repeatedly here, this day and every day during the course of the session. I had hoped a handful of Republican Senators would stand up and say: Enough. We have a responsibility to the people of this country, a responsibility that goes beyond our party responsibility. We need to pass a farm bill, we need to do something about the housing crisis, we need to give real tax relief to American families.

We are still waiting for those voices, and I hope they will come to the floor and accomplish that. In the meantime, we will continue to make our offers to the Republican leadership, to find a responsible way to move forward. I hope they will accept this opportunity and I hope we can get something accomplished. It is clear, as this empty Chamber passes hour after weary hour doing nothing, the American people are fed up with it. I think they are fed up with it enough to want real change in the next election.

I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

THE MIDDLE EAST

Mr. ISAKSON. Mr. President, last week the Middle East observed a historic anniversary, in fact, a historic anniversary for all of mankind, for the 29th of November was the 60th anniversary of the U.N. resolution partitioning the State of Israel and providing a homeland for the Israeli people. I had the opportunity to be in Israel while that celebration was taking place. Another event took place in Annapolis, MD, the home State of the Presiding Officer, last Tuesday, the 28th of November, when 18 Arab Nations, the Palestinian Authority, and Prime Minister Olmert of Israel met in Annapolis, to try to begin the process for the roadmap for peace in the Middle East. I think all of us are encouraged, happy, and rewarded that the result of that conference was an agreement between the Palestinian Authority and Israel to try, over the next 12 months, to reach an agreement by the end of 2008, which will in fact bring about peace in the Middle East.

All of us have great hope, but all of us have great wonder how we get from the agreement to try to actually having that happen. Since I had the occasion to be in Israel, I thought I would share for a second the fact that, as complex as the Middle East is, as challenging as the issues are that face the nation of Israel and the Palestinian Authority, there are some simple steps upon which we can build to possibly get to a true roadmap to a lasting peace in the Middle East.

There is no question, from having gone there, that the first step is security. The State of Israel deserves the security to live in peace and without intimidation and without threat. Not long ago, Israel took its settlements out of Gaza, moved those settlements out of Gaza to its perimeter. Within months, Hamas took over as the leading authority in Gaza, a Palestinian area, and instead of securing it for themselves began a method of intimidation and threat and terror against the people of Israel. Last Saturday, I stood on the last Israeli outpost overlooking Gaza, talking to an Israeli man and Israeli woman who lived in the settlement outside of Gaza, as a rocket went off and was fired into that very settlement, a practice that every day continues to take place, to intimidate, to threaten, and to terrorize.

As long as elements of terror such as Hamas and Hezbollah in Lebanon continue to disrupt, we will never be able to reach a platform upon which we can have a roadmap to peace. But security could possibly take place. I want to commend the Palestinian Authority on its initial steps in the West Bank, one village at a time, to attempt to bring about peace and security on that side of Israel and in that area of the dilemma.

I met with the Foreign Minister, Riyadh Maliki, of the Palestinian Authority, who passionately convinced me that he and his leadership are inter-

ested in seeing to it that they deliver on that security, because they understand that without security there can never be any peace, without peace there can never be a Palestinian State.

This President, George Bush, whom I commend for bringing about the Annapolis conference, was very courageous 6 years ago when as President of the United States he declared he would support a homeland and security for the Palestinian people, right after the Palestinians and the people of the Middle East accepted and acknowledged Israel's right to exist and respected its state.

I believe the desire is in the Palestinian people to have their homeland. I believe the will is there to see to it that is accomplished. But as long as terror, through the elements of Hamas and Hezbollah, continue to threaten and intimidate the people of Israel, it will never happen.

So the first step, following that agreement at Annapolis, is for the Palestinian Authority to secure Gaza and to secure the West Bank. But you do not go to the Middle East, as I have four times in the last 5 years, and not realize in the end it is also all about Iran.

As long as there are state sponsors of terrorism, whether it be Hezbollah or Hamas or whether it be infiltration of terrorists or IEDs into Iraq, you can never truly have peace and security.

But this President deserves great credit for setting up the conference at Annapolis. Condoleezza Rice deserves great credit for five times traveling to the Middle East, from one Arab state to the other, encouraging those states to attend. It should not go unnoticed by anybody, us in America and Ahmadinejad in Iran, that when finally pressed, the 18 Arab states all came to Annapolis because, in the end, they all want peace. But in the absence of security and the presence of terror it cannot happen.

I commend our President for bringing about the conference in Annapolis. I commend the people of Israel for making the first step in Gaza and acknowledge their concern now that that first step has only been rewarded with acts of terror against their own people and encourage the Palestinian Authority to continue to work in the West Bank, and later in Gaza, to root out terrorism, bring about security, so the State of Palestine and the State of Israel can live in harmony. And for us in the free world, one of the biggest threats to our security is lessened because people are living together in peace and not in terror and not in fear.

In closing, I wish to acknowledge the great ally we have in Israel, the resilience of their people, to that young man and woman I met on the hill overlooking Gaza, who daily meet the threats of rockets coming from terrorists, and let them know that we in America are with them, and one day peace and security can become a reality if we begin to get the security in

the areas of the West Bank and in Gaza.

I yield the floor.
 THE PRESIDING OFFICER. The Senator from North Dakota.

OBJECTIONS

Mr. DORGAN. Mr. President, what is happening in the Senate is going to give frustration a new meaning. I cannot begin to explain how unbelievably frustrating it is for people elected to come to this body, they say the greatest deliberative body, to be at parade rest day after day after day, unable to move because of two simple words uttered almost routinely every day by the minority: I object. I object to everything. I object. I object.

Mark Twain once was asked if he would engage in a debate. And he said: Of course, as long as I can take the negative side.

They said: We have not told you what the subject is.

He said: That does not matter. The negative side will take no preparation.

It takes no preparation to say "I object," to take the negative side of everything. Yet that is what has happened. We have people posing as a set of human brake pads, determined to stop everything in the Senate. Maybe that would make not much difference if there were not things that were so urgent and in need of being done.

I sat here for a while this afternoon and saw something quite stunning. My colleague stood up and said, on the appropriations bill that passed the Senate by a wide margin, over 80 votes on transportation-housing and so on, she wanted to bring the conference report up to the Senate. There was an objection by the Republican leader of the Senate: I object.

Then, immediately afterwards, Senator CORNYN from Texas stood up and said: I do not understand what all of the problem is, the way the majority is running this place, why do we not get appropriations bills to the floor of the Senate?

This was immediately after his side had already objected to bringing an appropriations bill to the floor of the Senate. It is as if they think no one is watching. These are illusionists who provide no illusion. Nobody is watching, they think. This is all done in broad daylight. They say: We object to bringing appropriations bills to the floor of the Senate. Then they stand up and seek recognition and ask: Why are you not bringing appropriations bills to the floor of the Senate? Do they believe people do not watch and listen and understand?

It is absolutely beyond me. Now, let me describe this "I object" strategy. I object to appropriations bills, they say. Do you know this year we even had to file a cloture petition to shut off a filibuster on a motion to proceed to the appropriations bill that would fund homeland security needs.

We are in this process of waging a war on terrorism to protect our coun-

try, and we cannot bring a bill to the floor earlier this year on homeland security appropriations to fund the programs without having a filibuster by the other side on a motion to proceed, not even on the bill, but a motion to proceed to the bill. That describes what the other side has done all year long.

Now, in December, they come to the floor and they say: Well, where are the appropriations bills? Well, I will tell you where they are; you objected to all of them. You took all the action necessary to try to prohibit us from moving these appropriations bills. That is the case.

Alternative minimum tax, they call it AMT. It is a fancy way of describing an alternative tax system that recalculates your tax. It is going to affect millions more Americans. We should fix that. Why have we not fixed that today? Because the other side has objected. The Republican leader has objected. That is why we have not fixed it.

The farm bill. Why have we not finished the farm bill? Because the Republicans have objected. We wanted to come out here and finish it. We have made unanimous consent requests. We have an offer in front of them now with the amendments and so on, but they continue to object.

I have said often, if farmers behaved the way this Congress—and especially the minority—behaves, they would not have a crop to plant because they would not get time. They would not have a crop to harvest if they got it planted because they would not have time. They would object. They would not milk the cows when the cows were fresh. I mean they would not have a crop or cows. You cannot put all these things off, nor should the Senate put them off.

An energy bill. Well we tried to go to conference on an energy bill. There was an objection on the Republican side. So now we are hoping to try to be able to consider an energy bill that comes from the House. I hope we can round up the votes for it. But we never got to conference because of an objection on the Republican side.

Now my colleague, as I listened this afternoon, said the proposal on the alternative minimum tax by the Democrats was more taxes on the American people, a substitution of taxes and to accommodate the growth of Government.

Let me take both those proposals. This issue of the growth of Government is fascinating to me because this President has proposed more spending than any President in the history of this country, by far. We have in front of this body right now a proposal by this President for \$196 billion, none of it paid for, to support the war in Iraq and Afghanistan.

Now, \$196 billion, that is \$16 billion a month, \$4 billion a week, all of it added to the Federal debt, none of it paid for. We have someone over there stand up and say we are the big spenders, we are

the ones who want to spend money, after the President has asked for \$196 billion in additional spending that he wants.

He said that \$22 billion we wanted to invest in this country was too much money. We were \$22 billion apart, with respect to the President's budget and our bipartisan approach on the appropriations committee. He said: No, that is too much money, that \$22 billion to invest in our country's roads and bridges and health care and energy. That is too much money to invest in our country, but I want \$196 billion, none of it paid for, all of it outside the budget, for my priorities, the President said.

It is interesting to me that even as we are told by my colleague from Texas and others that this is growth in spending and that somehow the profligate spenders are on this side of the aisle, and I must say I have held now 12 hearings on the issue of waste, fraud, and abuse in the countries of Iraq and Afghanistan in the prosecution of these wars. Waste, fraud, and abuse by contractors, a massive amount of money shoveled out the door by this administration to contractors.

Let me tell you what the result has been: A blind eye. No one seems to care. You want some nails? I know where there are 50,000 pounds of nails lying in the sand. You know where it is? In the country of Iraq, 50,000 pounds of nails lying in the sands of Iraq in a pile.

You know why? Because the contractor ordered the wrong size. But it did not matter, throw them away, reorder. It is a cost-plus contract. The American taxpayers are picking up the tab. Do you want to see waste, fraud, and abuse? This is a hand towel provided to American soldiers.

I ask unanimous consent to show the item on the floor of the Senate.

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

Mr. DORGAN. This was provided to American soldiers by the subsidiary of Halliburton Corporation. They ordered hand towels under their contract for the American soldiers. Well, guess what. The guy who ordered these was the order manager sitting in Kuwait. His name was Henry Bunting. He came and testified before my hearing. He said: I ordered these towels, but I ordered white towels, plain white towels. My supervisor said: You cannot do that. You need for our name, Kellogg, Brown and Root, the subsidiary of Halliburton, to be embroidered on the towel.

He said: Well, that is going to triple the cost. He was told: It does not matter. It is a cost-plus contract. The American taxpayer pays for this. Katy bar the door. Spend whatever you like. The American taxpayer will pay for it. Two hundred and twenty million dollars to a contractor to rehabilitate health clinics in Iraq. The \$220 million is gone. The contractor has it all, and there are 20 health clinics built.

And a physician goes to the Health Minister and says: I want to see these 220 health clinics the American taxpayer paid for; the Health Minister of Iraq said: Well, those, you have to understand, are "imaginary" clinics.

Seven thousand six hundred dollars a month to rent an SUV, \$45 a case for a case of Coca-Cola, \$85,000 trucks that have a flat tire and they are left beside the road to be torched in Iraq because they cannot fix a flat tire.

American taxpayer is going to pay for all of that. It is a cost-plus contract. You have a truck with a plugged fuel pump, do not worry, leave it behind. Yeah, it will get torched, but the American taxpayer pays for that. So when I hear somebody talking about profligate spending, I say to them this: We have had four votes on the floor of the Senate to set up a Truman Committee of the type Harry Truman led dedicated to root out waste, fraud, and abuse.

Four times we lost that vote. I am proud to tell you every Member of the Senate on this side of the Senate voted with me, but four times we have lost because there are some who talk a lot about spending but do not care how much is spent.

This is the greatest waste, fraud, and abuse that has occurred in the history of this country with this profligate contracting. I have only described the tip of the iceberg. I could spend an hour out here telling you stories about the way the American taxpayer has been fleeced by the massive amount of money that is shoveled out the door and the \$196 billion the President now wants; a substantial portion of it will also go to corporations and still no one is watching the store. Still no one is watching the store. In Iraq itself, \$8.9 billion is missing. Think of that. I daresay no one is looking for it.

Growth in government has a pretty hollow sound, it seems to me. The growth of spending, the waste, fraud, and abuse that is occurring under the nose of this administration, an administration that seems unconcerned, is the most significant waste, fraud, and abuse in the history of this country. We need to stop it. I will offer again the issue of a Truman commission to set up a special committee to investigate this and put an end to it.

On the question of who pays taxes, my colleague says: This is fixing the alternative minimum tax, but you are charging some others additional taxes. Let me remind my colleague who is going to pay additional taxes. The person who ran a hedge fund last year and made \$1.7 billion was the highest paid person in this country that we know. If you are adding that up, if someone asked: What is your monthly salary, that person would have to say, it is about \$145 million a month. Some would ask: What do you earn in a day. About \$4.5 million a day. That is a pretty big salary.

Do you know something more interesting about that? The people earning

at that level are paying an income tax rate in most cases of 15 percent. Think of that. There are no Americans going to work this morning working in ordinary jobs who are paying 15 percent income tax. I guarantee they are paying much more.

One of the richest men in the world, Warren Buffett from Omaha, said in his offices they got permission from his employees to figure out what happened with respect to the percentage of taxes paid by the employees. It turns out in that office, the lowest tax rate paid in his office is paid by the second richest man in the world, Warren Buffett. He said that is an outrage.

He said: I pay a lower percent of taxes from my income than my receptionist does. That is an outrage. Some want to correct that. I do.

My colleague from Texas would say: You are going to hurt people engaged in capital accumulation. Well, it seems to me the issue is one of fairness. Why is it that one group of people who makes hundreds of millions gets to pay a 15-percent tax rate. But a whole lot of other people who work hard all day, take a shower at night because their labor is important, come home with a meager paycheck and haven't made much progress with their salary in recent years, they look at their tax bill and are paying 25, 30, 35 percent, plus their Social Security taxes.

When my colleague talks about the growth of government, I say: Look in the mirror. When my colleague talks about taxes, I say: Look in the mirror and ask yourself whether you want a fair tax system.

More important than that, I want to talk for a moment about priorities. When we are told that \$196 billion ought to be made available, none of it paid for, for the President's priorities, and we don't have enough money for things at home, I ask a question about this young lady. Her name is Ta'shon Rain Littlelight. She is a beautiful young Indian girl from the Crow Reservation in Montana. Ta'shon was 5 years old. Ta'shon died.

I held a hearing in Montana with Senator TESTER on the Crow Reservation. This little girl's grandmother came to the hearing and held up this picture. She said Ta'shon died a very painful death, was in pain month after month. The kind of health care that should have been available to diagnose an illness which later became terminal was not available to this little girl. So she lived a painful last 3 months with a terminal illness and never got the health care she should have received. Not enough money for that, just not enough. Yes, this 5-year-old girl died. Not enough money for Indian health to deal with her.

I have shown my colleagues a picture of a little girl named Avis Littlewind. She was 14. She is dead as well. She took her own life. She lay in bed 90 days in a fetal position, missing school, 90 days, and somehow it didn't raise alarms anywhere. She took her own

life. No mental health treatment, no mental health treatment available on that reservation for that young lady.

I have shown my colleagues a picture of a woman brought into an emergency room—a Native American woman, as well. She had an 8-by-10 piece of paper attached to her thigh by a piece of masking tape, being transported on a hospital gurney from the ambulance to the hospital with a piece of paper attached by masking tape to her thigh that said to the hospital: If you accept this patient, understand that the contract health care money is gone for the year. You accept this patient on your own dime and at your own risk, this patient with a heart attack.

We don't have enough money for our domestic needs. The President says: No, I want \$196 billion for my priorities. I have just described the massive waste, fraud, and abuse with respect to the priorities of contracting in Iraq. I care about Indian health care for a lot of reasons. I chair the Indian Affairs Committee. We have struggled desperately to try to get the money we need for Indian health. That money is not available. Why? Because investment at home is not the priority. The fact is, these issues are life or death for a little girl like Ta'shon Rain Littlelight. This Congress can do something about it.

One hundred years from now, we will all be dead. But historians can understand who we were. They can look at what this country decided to do, what kind of decisions this Senate made by what we spent our money on. What did we think was important? Someone once asked the question, if you were charged with the task of writing an obituary for someone you had never met, and the only information you had was the check register from that person's checkbook, what could you write about that person? What you could write about that person is what you knew that person to value based on what they spent their money on. What did they invest in, contribute to? What was important to them? What was their value system?

The same will be true when historians evaluate what was important to us, what our value system was. So we have this dispute these days with President Bush and those on the other side of the aisle who are loyally supportive of the President's priorities at this point. I am not suggesting that we shouldn't work together. In fact, all of us have reached out to say: Let's find a way to reach compromise. But on issue after issue after issue—the alternative minimum tax, the Energy bill, the farm bill, appropriations bills—we have had great difficulty getting anything other than a cold shoulder from the White House. Democracy works and this system of government works only with compromise. It is the only way it can work.

The majority leader was here today once again seeking an opportunity to have unanimous consent requests

agreed to or negotiated. The farm bill is an awfully good example. We have now sent to the other side a list of things that we hope perhaps they might agree to. And if they don't agree to that, to give us a list back. Let's find a way to have common lists of amendments to bring the farm bill to the floor and finish it. That is a reasonable thing to do. Yet we can't get that done, can't get the first baby step in the right direction. All we get is hot air, a lot of rhetoric, discussion such as I heard this afternoon that somehow the majority is a group of profligate spenders, and the majority wants to increase taxes. What a bunch of nonsense. It is completely at odds with the facts. It is as if they believe that there are not cameras here and this isn't being recorded.

I was thinking, as I was sitting here, about a story I heard when I was a kid of Joseph Montgolfier from rural France. The story was in 1783. He was sitting in a big, overstuffed chair looking at his fireplace in his country home. And as he watched the fireplace he saw sparks and smoke go up the chimney. As he contemplated the smoke and the sparks, he thought: There is something taking the smoke and sparks up the chimney. That must be some sort of energy. And so several months later he was in a meadow in rural France with burlap bags he had dampened and straw he was burning and he fashioned the first balloon. And it was the first recorded evidence of powered flight. He discovered that hot air rises and used hot air to lift a balloon.

I was thinking about hot air today because I listened to what is supposed to somehow pass for informed debate, and it is nothing but hot air. Why don't you pass the appropriations bills. OK. Let's try one. I object, he says.

I don't understand that at all. Don't ask us to pass bills you are going to object to, if you are going to continue to stall and object. If you want us to pass legislation, appropriations, energy, AMT, if you want us to pass legislation, come to the floor this afternoon. Let's work together and work out a process by which we pass legislation that advances this country's interests. It is not as if we don't have significant challenges and significant interests. We do.

No one in this Chamber can suggest somehow that with the price of oil bobbing at around \$90 to \$100 a barrel that we don't have serious challenges and a need to pass an energy bill. The House of Representatives is doing an energy bill. We did one in the Senate prior to this. We tried to go to conference, and there was objection. So we couldn't even get to conference. But we will, I think and I hope, have the Energy bill the House is going to pass and then send over to the Senate next week. There is an urgent need to have conservation, efficiency, and renewable energy, as well as continue to use fossil fuels without injuring the environ-

ment. We can do all of those things, and should, but we will need some cooperation. We are not asking for the Moon. We are just saying this country faces obvious challenges.

No one party can do it alone. We have a 51-49 majority. All we need is some cooperation. All we need is for people who continue to come day after day after day with a two-word vocabulary, "I object," to see if they can't add a few words and say "I accept."

Let's work together. Let's join together to get things done. That is all we are asking. We only have a few days left in this session, probably a maximum of 12 or 13 days. I would hope all of us who are paid to work here and do the public's business would want to make those days productive on behalf of the country. We live in a great place. We should give thanks every day for this opportunity. Let's find a way to address these issues, invest in this country's priorities, pass an energy bill that we can be proud of that makes us less dependent on foreign oil, pass an AMT bill that is going to help avoid increased taxes for a lot of Americans who do not deserve to have an increased tax bill. We can do all of those things if we work together.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GRASSLEY. 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. GRASSLEY. Mr. President, are we in morning business?

The PRESIDING OFFICER. The Senate is in a period of morning business.

Mr. GRASSLEY. Mr. President, I ask unanimous consent, if there is discussion of AMT today, that my remarks be placed in the RECORD at that point.

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

AMT

Mr. GRASSLEY. Mr. President, I am pleased we are finally discussing solutions to the alternative minimum tax problem that is poised to swallow 19 million more filers this year. I would have rather gone through this process several months ago but better late than never.

Over the course of the year, I have given many speeches analyzing the AMT and describing the problem it poses for middle-class taxpayers in great detail. On February 12, I gave a speech on the history of the AMT. On February 13, I highlighted how the AMT affects individual income tax liabilities. On February 15, I discussed ways to reform the AMT and made the case that complete repeal is the best way to deal with the AMT.

Incidentally, I made the case that dealing with the alternative minimum

tax 1 year at a time could be problematic, and current events have proven me right.

On March 20, I pointed out the Democrats' budget had no room for AMT relief, not even for 1 year. On March 22, I explained why we need to repeal the AMT. On April 18, I made an appeal for quick action on the AMT to help taxpayers making estimated payments who are already paying the price for the lack of action in Congress. On May 14, I explained why the AMT relief or repeal should not be paid for with a tax increase someplace else on other people. On May 17, I criticized the conference report on the fiscal year 2008 budget resolution for not realistically addressing the alternative minimum tax problem. On that same day, I gave another speech exposing how Democratic offsets to the AMT relief would result in massive tax increases on other people.

On June 13, I discussed the inadequacy of the lead trial balloons House Democrats were floating as possible fixes for the AMT. This was to mark the occasion of the second quarter estimated tax payments coming due because we had taxpayers who file quarterly already being hit by the lack of action on the part of the Congress.

On July 24, I introduced legislation to protect taxpayers who should have been making estimated payments for 2007 but weren't because they did not realize Congress was failing to protect them from the AMT. In other words, if they didn't have to pay the AMT in 2006, why would they think they had to pay the AMT in 2007? By not doing it, they were violating our tax laws, probably innocently.

On September 19, I marked the occasion of the third quarter estimated tax payments coming due by again discussing the AMT problem and how little congressional leadership was doing about it.

I just cited 12 speeches delivered on the Senate floor over the past year. That doesn't even include press conferences, Finance Committee meetings, and other events where I have talked about the need for repeal of the AMT or, in the case of a shorter term fix, just making sure it was fixed for this 1 year and kicking the can down the road. I have been talking about the alternative minimum tax literally all year now. House Democrats finally managed to introduce a bill on October 30, and the majority leader turned to it in the Senate right before the Thanksgiving recess. Democratic leadership cannot blame Republicans for their own failure to act until almost literally the last minute.

As I said, I am glad we are finally discussing solutions, and the Senate leadership seems to realize that the AMT should not be offset. I also want to thank my good friend, Chairman BAUCUS, for all his hard work this year,

and for several years, to protect middle-income taxpayers from the alternative minimum tax. Chairman BAUCUS is doing our country a great service now by trying to work out a compromise between those who want to pay for the AMT relief and extenders with a tax increase and those who are opposed to tax increases to offset AMT. He has consistently, meaning chairman BAUCUS, avoided bitter partisanship and always worked to do the right thing.

Those obsessed with pay-go—and for the public watching, that is pay as you go—those who are obsessed with pay-go, who want to raise more taxes to pay for a tax that was never meant to raise revenue, are punishing the American taxpayers for their obsession. Unfortunately, right now, I cannot support a package with roughly \$45 billion of offsets in it for the extenders, even though the AMT relief is not offset.

I am still reviewing some of the revenue raisers, but my issue is not with the raisers themselves. I will only support a raiser if I think it is good policy and will not support a raiser simply for the revenues.

I am concerned then if we send this package to the House, they will try to use the offsets not for what we put them in for, for the extenders, but send it back to us as offsets against the AMT, increasing taxes on others to pay for a tax that was never meant to be collected, and then still not get the extenders passed, as we should be passing them right now.

The House has shown it does not respect the need to get 60 votes in the Senate, and I do not expect that to change right now. If the majority leader is serious about reaching a compromise, and really respects the minority, as he claims, he needs to get his colleagues in the House on board. I have been around long enough not to make it too easy to stab me in the back by having things that even leadership in the House has suggested could happen with this tax ping-pong operation that might go on here.

It is unfortunate congressional leadership took so long to deal with the alternative minimum tax and that some are still putting an obsession with pay-go and narrow partisan interests over the wellbeing of their own constituents. We can talk until we are blue in the face, but the bottom line is we need to change the tax laws with respect to the alternative minimum tax. That law change needs congressional action and a Presidential signature, and anything else is just plain talk.

I would like to end this part of the remarks I am making today with a suggestion. I hope we get all parties to an agreement by changing the law on the AMT patch. By all parties, I am referring to House Democrats, House Republicans, Senate Democrats, Senate Republicans, and, of course, nothing is going to happen if the President can't sign it. Without an agreement, we will not get a law. And without a law

change, this is what is going to happen: 23 million families face an unexpected tax increase that is going to average about \$2,000 per family. Without a law change, we make worse the filing season fiasco for yet another 27 million families and individual taxpayers. That is on top of the 23 million who, for the first time, are being hit by the alternative minimum tax.

So here is my suggestion. It is simple. It is black and white. It is in a letter from Chairman RANGEL and Chairman BAUCUS and ranking Republicans MCCRERY in the House and myself for the Republicans in the Senate Finance Committee. We are the senior tax-writing committee members from the Congress. That letter was dated October 31 this year assuring Treasury Secretary Paulson and Acting IRS Commissioner Stiff that we would work to pass an AMT patch bill expeditiously. That letter contains the test that ought to be applied to any proposal in substance and process on an AMT patch.

Let me remind you, this is a bipartisan letter by the most senior tax-writing Members of the Congress. And it starts with "we," meaning Chairman RANGEL, Chairman BAUCUS, and ranking Republican members, MCCRERY and GRASSLEY. Here is what that sentence says:

We plan to do everything possible to enact AMT relief legislation in a form mutually agreeable to the Congress and the President before the end of the year.

That is the end of the quote, but I want to put emphasis within that quote on these words: Passing legislation in a form mutually agreeable to the Congress and to the President before the end of the year, meaning the end of 2007. Chairmen RANGEL and BAUCUS and their ranking members made it clear in this letter.

Mr. President, I ask unanimous consent the letter I have been referring to be printed in the RECORD.

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

TAX WRITERS NOTIFY IRS OF UPCOMING AMT FIX

FINANCE WAYS AND MEANS LEADERS INTEND TO PREVENT TAX FROM AFFECTING MORE AMERICANS, URGE IRS TO BEGIN PLANNING NOW FOR ACCURATE TAX FORMS

WASHINGTON, DC.—Leaders of the congressional tax writing committees notified the Internal Revenue Service (IRS) today of imminent changes to the alternative minimum tax, and encouraged the agency to plan now to produce accurate tax forms for the 2007 filing season. Senate Finance Committee Chairman Max Baucus (D-Mont.), House Ways and Means Chairman Charles Rangel (D-N.Y.), Finance Ranking Republican Chuck Grassley (R-Iowa), and Ways and Means Ranking Republican Member Jim McCrery (R-La.) sent a letter to Acting IRS Commissioner Linda Stiff, indicating their intention to complete legislation preventing the AMT from affecting any additional American taxpayers for 2007. The AMT was originally meant to ensure that wealthy Americans paid some income tax, but without indexing for inflation it has begun to affect middle-income American taxpayers.

The text of the Tuesday letter follows here.

OCTOBER 30, 2007.

Ms. LINDA E. STIFF,
*Acting Commissioner, Internal Revenue Service,
Washington, DC.*

DEAR ACTING COMMISSIONER STIFF: Under present law, more than 23 million taxpayers will be subject to higher taxes in 2007 unless legislation is enacted to limit the reach of the Alternative Minimum Tax (AMT). We realize that this fact is causing concern for many taxpayers and is creating administrative difficulties for the IRS as the agency prepares for the upcoming filing season.

As the leaders of the Congressional tax-writing committees, we want to assure you that legislative relief is forthcoming so that no new taxpayers will be subject to the AMT for taxable year 2007. To accomplish this, we are committed to extending and indexing the 2006 AMT patch with the goal of ensuring that not one additional taxpayer faces higher taxes in 2007 due to the onerous AMT. In addition to allowing the personal credits against the AMT, the exemption amount for 2007 will be set at \$44,350 for individuals and \$66,250 for married taxpayers filing jointly.

We plan to do everything possible to enact AMT relief legislation in a form mutually agreeable to the Congress and the President before the end of the year. We urge the Internal Revenue Service to take all steps necessary to plan for changes that would be made by the legislation.

Thank you for your immediate attention to this matter.

Sincerely yours,

MAX BAUCUS,
*Chairman, Committee
on Finance.*

CHARLES E. GRASSLEY,
*Ranking Member,
Committee on Fi-
nance.*

CHARLES B. RANGEL,
*Chairman, Committee
on Ways and Means.*

JIM MCCRERY,
*Ranking Member,
Committee on Fi-
nance.*

Mr. GRASSLEY. Now, our leaders in both the House and the Senate need to back up the tax writers. We Senators need to pass a package that is agreeable to the President and to the House. What do we all agree on? We agree the patch needs to get done right now. So that is the base of what should pass the Senate, if we are to get a law enacted. House and Senate Democrats insist on offsets for a patch.

The old joke is that you better make certain the light at the end of the tunnel isn't a train coming toward you. Unfortunately, the joke is on the American people when it comes to the upcoming tax-filing season. Because of the failure of the Congress to act, the taxpayers are going to feel as if they have been hit by a freight train come April 15. The sad part is this was not necessary. Congress could have done the right thing. Congress could have acted. We have never in this century gone this late without passing the AMT patch and having it in place. The IRS and the Treasury have made it clear that the failure to act would cause very real problems in the filing season, in terms of confusion and in terms, especially, of a delay in providing taxpayers their refunds.

I am astonished when I hear that some in the Democratic leadership are telling reporters these claims of a filing fiasco are all somehow a bluff. The Democratic leadership certainly didn't think the problems of the filing season were a bluff when we were delayed in passing an extenders package last year. That is when the Republicans were in control. I strongly advocated then that we needed to pass the extenders package and warned of its negative impact on the filing season, and I was not listened to by my Republican leadership. But Democrats, now in the majority but back then in the minority, joined me in those statements. Now the clamor is much smaller with the alternative minimum tax which will affect 25 million taxpayers and will be, in many ways, significantly more disruptive to the filing season than the extenders delay last year.

As you can see from a chart I have here—I am going to ask my staff to hold that chart up. We all know the story of Chicken Little. But every once in a while, Chicken Little is right. When it comes to the filing season, the sky is falling.

It is important that my colleagues understand that by failing before Thanksgiving, we have already gummed up the works. As my colleagues can see from this next chart, the deadline of October 15 for finalizing forms and instructions has already passed. We have passed the November 7 deadline for printing the tax forms—as you can also see in the chart—and the absolute drop dead date for printing was November 16.

Every week that we don't act, this problem will get worse and worse.

I should make it clear that we are not only hearing from the IRS that the delays have created a filing fiasco; the tax preparer community is making it clear that the problems are real and they are big.

We recently received a letter from the independent IRS Oversight Board that voiced "grave concerns about the serious risks to the 2008 filing season if legislation to change the AMT is delayed."

The IRS Oversight Board makes it clear that there is a big, big difference from Congress passing AMT relief this week as opposed to the third week of December. The board specifically says that another 2 or 3 week delay by Congress could mean that another 31 million taxpayers will face a delay in filing returns and that another approximately \$70 billion in refunds could be delayed.

These numbers would be on top of the 6.7 million taxpayers who already face a delay in filing returns and the \$17 billion in refunds that are going to be delayed because we have not acted to pass the AMT "patch."

So if we continue to dilly-dally and delay on AMT relief until Christmas, it will be a total of 37.7 million return filings delayed and \$86.9 billion in refunds delayed. These delayed refunds are not

just paper; they represent real money that many working families are counting on to help them to pay the bills, make an important purchase or even have an important medical procedure done.

To be blunt, we are already in the soup and it is a question of how bad it is going to get.

I recently joined the ranking member of the Ways and Means Committee in writing to Ms. Stiff, the Acting Commissioner of the Internal Revenue Service, asking that the IRS do the following:

No. 1, take steps to educate taxpayers about the possible changes in the law and tax forms;

No. 2, work closely with the tax preparation community to keep them aware of the IRS to update programming and minimize delays and to encourage the tax preparation community to inform their clients and consumers about likely delays in processing returns and distributing refunds;

No. 3, ensure that all IRS call center employees are fully informed about the status of the tax filing season and can provide accurate and timely information to callers;

No. 4, within available resources, increase staffing of IRS call centers to accommodate the increased call volume that will likely result from taxpayer confusion.

I think these steps will allow us to do the best we can with a very bad hand. But there should be no doubt, the real answer is to pass AMT relief and pass it now.

For many years now, and certainly many times this year, I have tried to shed light on the monstrosity that is the alternative minimum tax and how the failure to index the AMT for inflation threatens middle-class taxpayers. While I have consistently fought for full repeal of the alternative minimum tax, I have had to be content with enacting a series of provisions, since 2001, to increase the exemption amounts pertaining to the AMT to prevent new taxpayers from being caught by it. However, similar action has not yet been taken for tax year 2007. Despite plenty of advanced warning, congressional leadership's failure to act means that time for proactive action has already passed.

The IRS is printing tax forms and making other arrangements to process tax returns submitted for the upcoming filing season. Any legislative fix undertaken now to check the advance of the AMT will not eliminate a problem, but will only manage it. Despite being deeply disappointed that congressional leadership has not seen fit to act faster, I was hopeful that the magnitude of around 19 million additional tax filers paying the AMT for tax year 2007 was finally beginning to hit home. The AMT finally seemed to be getting the attention it deserved, but recent rhetoric has again put me into a negative frame of mind.

Rather than offer new ideas and insights into how to solve the AMT prob-

lem, which in the case of many would be to offer any ideas at all, some of my colleagues are merely recycling the same old and tired talking points of years past. More specifically, I'm referring to the accusation, made by left-leaning think tanks and also by the House Committee on Ways and Means majority, that advocates of tax relief in 2001 and 2003 deliberately—I want to emphasize they are accusing use of deliberately using the AMT as a trick to minimize the revenue cost to the Federal treasury as a result of those policies. While it is true that some families benefit less from 2001 and 2003 tax relief than they otherwise would have, to say this is by design, as is indeed done in a Committee on Ways and Means press release issued on November 14, is absolutely ridiculous.

Republicans have consistently fought, even before the 2001 tax relief bill, to curtail and eradicate the alternative minimum tax. In 1999, congressional Republicans passed the Taxpayer Refund and Relief Act of 1999, which completely repealed the AMT, and this bill was vetoed by President Clinton.

Getting back to the Ways and Means press release of November 14, in it I myself am cited as critiquing President Bush for not doing more in his 2001 and 2003 tax packages to counteract AMT effects. I do absolutely want to make clear that despite my belief that the AMT was also a pressing problem at that time, I wholeheartedly supported tax relief in 2001 and 2003 and still think it was absolutely the right thing to do. In fact, I think the provisions in both bills should be made permanent.

In order to counteract the effect of the AMT, Congress passed and President Bush signed into law a series of provisions to increase AMT exemption amounts to keep inflation from pushing new tax filers into the clutches of the AMT. If Ways and Means Democrats were serious in their implied concern for the effectiveness of 2001 and 2003 tax relief, they could do two very simple things: First, House Democrats could make 2001 and 2003 tax relief permanent; second, they could fully repeal the AMT. Of course they have shown no sign of doing either of these two things. In fact, opposition to the 2003 tax relief package was so intense among Democrats that the Vice President was called upon to break a tie during a vote in the Senate.

The provisions of the 2001 and 2003 tax relief bills were not made permanent because doing so might have made it impossible for the bills to overcome Democratic opposition. I believe that including AMT repeal in those bills would have had the same effect.

Aside from being quoted in the November 14 Ways and Means press release, I found it unintentionally humorous in that it reveals that House Democrats are doing exactly what they accuse Republicans of having done since 2001. While they accuse Republicans of using the AMT as a budgeting

gimmick, they are using the AMT as a gimmick to make it appear they are easing the tax burden when they are not.

In the release, Ways and Means Chairman RANGEL is quoted saying “The house passed a bill to prevent the AMT from hitting 23 million families this year without hurting the economy by adding to the national debt.”

What this means is that the House is protecting some people from the AMT by subjecting other filers to additional taxes. This is the same as if your community’s animal control officer caught a rabid dog on your street and let it go someplace else across town. Your problem appears to have been immediately solved, but in the longer-term, the fundamental problem still exists. The fundamental problem with the AMT is the massive amount of unintended revenue it is forecast to collect, and the unwillingness of many of my colleagues to forego that revenue.

If Ways and Means Democrats are serious in their appeal to the administration regarding the AMT to “work with Congress to do the right thing and kill it,” they will abandon any notion that revenues not collected because of AMT relief or repeal ought to be offset.

Finally, I want to address the baseless claim that the Bush administration’s tax priorities were responsible for the AMT problem on a technical level.

This exact point was raised in 2005 by Democratic Ways and Means staffers in a letter to “Tax Note,” a prominent publication for tax professionals. At the time I requested that the non-partisan Joint Committee on Taxation look into this matter. Their analysis showed that, as I have long maintained, the biggest problem with the alternative minimum tax was it was never indexed for inflation.

In response, I received from the Joint Committee on Taxation a letter dated October 3, 2005. I have requested an update of that document and will discuss the updated numbers as soon as they are available. That estimate could be interpreted to indicate that if the Bush tax cuts were repealed, alternative minimum tax revenues could be ex-

pected to drop by \$302 billion, or 27 percent.

At the time, the Joint Committee on Taxation estimate also found that extending and indexing the hold-harmless provision in effect at the time would reduce alternative minimum tax revenues by around \$667 billion, or 59 percent. Of course, the analysis of this question is complicated by the fact that the variables we are examining overlap and interact with each other. But responsible analysis of available information certainly does not support the allegation that the tax relief packages signed by the President in 2001 and 2003 are responsible for the explosion of the alternative minimum tax. If anything, House Democrats and their pet think tanks have illustrated the fallacy of using projected revenue reductions as a proxy for percentage causation.

Madam President, I ask unanimous consent that the October 2005 Joint Committee on Taxation revenue estimate I referred to be printed in the RECORD.

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

CONGRESS OF THE UNITED STATES,
JOINT COMMITTEE ON TAXATION,
Washington, DC, Oct. 3, 2005.
MEMORANDUM

To: Mark Prater and Christy Mistr
From: George Yin
Subject: AMT Effects

This memorandum responds to your request of September 29, 2005, for an analysis of the portion of the AMT effect (AMT liability plus credits lost due to the AMT) which can be attributed to the failure to adjust the AMT exemption amount to inflation, assuming alternatively that the EGTRRA and JGTRRA tax cuts (“tax cuts”) are either permanently extended or repealed. We also explain how this information compares to information previously provided to you on August 31, 2005 and September 16, 2005.

For the purposes of this analysis, we have first assumed that the tax cuts are repealed. The first set of figures in Table 1 compares the AMT effect under this assumption if, alternatively, (1) the AMT exemption amount hold-harmless provision is not extended beyond 2005; (2) such provision is extended permanently; and (3) such provision is extended permanently and indexed after 2005. The sec-

ond set of figures presents the same comparison under the assumption that the tax cuts are permanently extended. All of the information provided in this table was previously provided to you in our September 16, 2005 memo, except in a different format.

TABLE 1

Item	AMT effect (billions of dollars)
Tax Cuts Repealed:	
(1) Hold-harmless provision not extended	399.9
(2) Hold-harmless provision extended permanently	212.0
(3) Percentage of AMT effect attributable to failure to extend hold-harmless provision $\frac{((1)-(2))/(1)}{(1)}$	47%
(4) Hold-harmless provision extended permanently and indexed	169.7
(5) Percentage of AMT effect attributable to failure to extend and index hold-harmless provision $\frac{((1)-(4))/(1)}{(1)}$	58%
Tax Cuts Extended Permanently:	
(6) Hold-harmless provision not extended	1,139.1
(7) Hold-harmless provision extended permanently	628.5
(8) Percentage of AMT effect attributable to failure to extend hold-harmless provision $\frac{((6)-(7))/(6)}{(6)}$	45%
(9) Hold-harmless provision extended permanently and indexed	472.0
(10) Percentage of AMT effect attributable to failure to extend and index hold-harmless provision $\frac{((6)-(9))/(6)}{(6)}$	59%

In the information provided to you on August 31, 2005 and September 16, 2005, we analyzed the portion of the AMT effect attributable to the tax cuts. In the analysis described above, we identify the portion of the AMT effect attributable to failure to adjust the AMT exemption amount to inflation. There is, however, interaction between these two contributing factors to the AMT effect. In order to avoid double counting of interactions, a stacking order is imposed. The apportionment of effects to each contributing factor will vary depending on the stacking order, even though the total effect remains constant.

This phenomenon is illustrated by Tables 2 and 3 below. The first two columns of Table 2 show the portion of the AMT effect attributable to the tax cuts, consistent with the information provided on August 31, 2005 and September 16, 2005. The second two columns of Table 2 show the portion of the AMT effect attributable to the failure to extend and index the hold-harmless provision, consistent with the information provided in Table 1 above. Note that if these two contributing factors were completely independent of one another, the information in Table 2 would suggest that the two factors together contribute to more than 100 percent of the AMT effect. In fact, as shown in Table 3, the two factors together contribute to only 85 percent of the AMT effect. Thus, there is substantial overlap between these two factors.

TABLE 2

Item	AMT effect (billions of dollars)	Item	AMT effect (billions of dollars)
Baseline	1,139.1	Baseline	1,139.1
Repeal tax cuts	399.9	Extend and index AMT hold-harmless provision	472.0
Difference	739.2	Difference	667.1
Percentage of baseline	65%	Percentage of baseline	59%

TABLE 3

Item	AMT effect (billions of dollars)
Baseline	1,139.1
Repeal tax cuts and extend and index AMT hold-harmless provision	169.7
Difference	969.4
Percentage of baseline	85%

numbers when they are given to me by JCT.

I mentioned earlier that the argument that our recent tax policies are responsible for the wild growth in the alternative minimum tax is an old and a very tired argument, intellectually dishonest. The Ways and Means press release of November 14, 2007 refers to a letter of March 6, 2001, sent by Mr. RANGEL to President Bush.

I just talked about a Democratic staffer making the same point in Tax Notes in 2005. I am not bothered by these arguments in and of themselves. They are based upon poor analysis, if that, and it is easy for me to respond to them. What does bother me, however, is that clearly many people are more interested in trying to make cheap political points than actually dealing with the alternative minimum

Mr. GRASSLEY. Madam President, as I said, I will discuss those updated

tax. If House Democrats were concerned about the tax burden, they would repeal the alternative minimum tax without raising taxes on other taxpayers to replace revenue that was never supposed to come into the Federal Treasury, because these 23 million middle-income taxpayers were never supposed to be hit by the alternative minimum tax, because it was only meant to be paid by the superrich.

I have made the point many times, that this alternative minimum tax was never meant as a revenue source, and I do not care if I made it twice in a row, three times in a row, it is a fact of life: These 23 million people were never meant to pay it. The alternative minimum tax is only supposed to hit the superrich—it was an unsuccessful attempt—when the alternative minimum tax was passed in 1969, to promote tax fairness. This point has not been challenged.

Rather, my friends in the House and elsewhere have distorted that argument into a claim that Republicans intended to use the alternative minimum tax to secretly diminish the impact of the 2001 and 2003 tax relief packages. I have shown how that argument is flawed every time it is dug out of the closet by someone. The alternative minimum tax certainly is not a secret. But it is a mystery how so many people can engage in so much pointless discussion when what we need now right now, actually several months late, is urgent action.

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

The PRESIDING OFFICER (Mrs. MCCASKILL.) The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. SALAZAR. Madam President, what is the pending business?

The PRESIDING OFFICER. The Senate is in morning business.

Mr. SALAZAR. I ask unanimous consent to speak for up to 15 minutes.

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

THE FARM BILL

Mr. SALAZAR. Madam President, I come to the floor to plead with my colleagues that we move forward to address the issues of agriculture and rural communities and food security for our country in moving forward with consideration and passage of the 2007 farm bill. In this Chamber, there needs to be more champions of rural America and agriculture. Those farmers and ranchers around our Nation who today are the ones working to provide food for the tables of all of America, those farmers and ranchers, when you meet them—because when you shake their hand in communities in my State,

places such as Lamar or Craig or down in Dove Creek, in my home area of the San Luis Valley, Manassa, it is a rough hand. It is a rough hand that is weathered through the difficult times of having had to eke out a living from the soil and what oftentimes is a very difficult time.

Rural America, in my opinion, is part of the forgotten America. Rural America has been forgotten by Washington, DC for far too long. Rural America has been forgotten by this President and this administration for far too long. Now we have an opportunity with legislation crafted in the spirit of bipartisanship, through the leadership of Senators HARKIN and CHAMBLISS and a number of other members of the Agriculture Committee and the Finance Committee, under the leadership of Senators BAUCUS and GRASSLEY, to make sure that rural America is not forgotten. We have an opportunity to open a new chapter of opportunity for rural America. We can do this with the 2007 farm bill.

Rural America is in trouble. When you look at this map of the United States, when you look at both the red and yellow zones, they are all part of what we consider to be rural America. There are about 1,700 counties in what is characterized as rural America in this great land of ours, the United States. More than half of those counties have been declining in population. Across the heartland of the United States, you see great swathes of red where we see towns and communities that are withering on the vine. This 2007 farm bill will help revitalize rural America in a way that has not happened before.

When we look at the towns and counties across each one of the 50 States, I am sure any one of us could find many places such as this storefront in Brush, CO where half of the main street in many of the towns has essentially been closed down. This is the main street of Brush. There is a for sale sign on this building. When you go to the towns in my native valley, in Conejos County, Costilla County, I can tell you that in the town of Antonito, CO, at one point in time, 15 years ago, there were four or five gas stations on the main street. Today there is one gas station. I remember a few years ago there were multiple grocery stores. Today there is one small grocery store. I haven't done the count when I have gone through the main street of Antonito, as I often do back in the San Luis Valley, but I would guess that 60 to 70 percent of the entire main street of the town has been boarded up and is either not being used or is for sale.

The town of Antonito, like the town of Brush, like so many towns and communities across rural America, is calling out for Congress to do something to help revitalize rural America. We, in the 2007 farm bill that has been crafted in the best spirit of bipartisanship, are attempting to do so. It will be a shame for Washington, DC and for this Cham-

ber to allow the politics of obstructionism we see going on here to essentially kill the promise of rural America represented in the 2007 farm bill.

Over the last several days and over the last month, we have seen many efforts to try to move forward to a conclusion. Yet we haven't been able to move forward because there is a filibuster in place. I have heard the majority leader come to the floor and say: Let's move forward and consider the farm bill. We will make an agreement where we will allow 10 Republican amendments and 5 Democratic amendments and 2 other amendments, a total of 17 amendments. What has happened when he has propounded that unanimous consent request? It has been objected to. He has said, as Senator HARKIN has suggested, let's take 10 amendments on either side or 12 amendments on either side. Let's come up with an agreement that puts us on the pathway of making the farm bill even better through the amendment process but getting the farm bill passed.

Yet what is happening in our inability to move forward? There are objections on the other side because there is a paradigm that has become evident in this place. And that is to try to slow walk any kind of progress we might be able to make on this legislation, on AMT, on the Energy bill, or anything else.

We hopefully will find the courage in this Chamber to make sure that the public purposes for which we were elected will ultimately triumph over the politics of division which we see taking place. Doing nothing is not an option. Obstructionism essentially is leading to that result of doing nothing.

The farmers and ranchers of America don't see this as a Democratic and Republican issue. They want results. They want us to work together to try to get results and to pass this 2007 farm bill.

I urge my colleagues to redouble their efforts to try to find agreement so we can move forward, so we can have a farm bill that is good for America.

As we talk about the farm bill, it is also important, as my good friend from North Dakota, Senator CONRAD, has said, to understand that this is much more than just about conservation and energy and rural development, the things I care so much about. It is also about another thing all of us care a lot about, and that is the nutrition of those who are most vulnerable in society. That is why in this farm bill about 67 percent of all the money that goes into this farm bill actually goes into nutrition programs for America. Yes, newspapers across the country that sometimes are critical of the commodity parts of the farm bill are wrong, because they don't focus on the other parts of the legislation. They don't talk about what we do for nutrition in this farm bill. They don't talk about what we are trying to do with the fresh fruits and vegetables program

included in this bill at a level which has never been done before.

For my small State of Colorado, what it basically means is there is going to be \$45 million available to provide fresh fruits and vegetables to those young kids in our schools so they can grow up healthy and learn in the schools they currently attend. What we are doing is, we are spreading what has been a pilot program for fresh fruits and vegetables across the entire 50 States. That is a good program. We should remind Americans that when we talk about the farm bill, we are talking about nutrition.

I also want to talk a bit about one aspect of this farm bill and that is title 9, the energy part. When I look at what is happening across America today, I think that the energy opportunity for America presents one of the signature opportunities for this Nation and for this world in the 21st century. There is no doubt that we have come to realize, progressives and conservatives, Democrats and Republicans, that the addiction we have to foreign oil is something that must end. It is in the fields of rural America that we will find a significant part of the answer to get rid of our dependence on foreign oil. That conclusion is one that will sustain a clean energy revolution in our country for not only years but for decades to come. We will find ways of harnessing the power of the Sun, the power of the wind, the power of biofuels, the power of geothermal capacities to get us to the point of energy independence.

When I think about the fact that Brazil, a Third World country in South America, could become an energy-independent country and we here, the most powerful Nation on the globe, have not been able to do that, we have gone in reverse, we have had a failed energy policy. When we have gone from a point in time in the 1970s when Richard Nixon, then President, coined the term "energy independence" and President Jimmy Carter stood before the Nation and said we had to attack our energy addiction with the moral imperative of war, at that point we were importing 30 percent of the oil from foreign countries. Today, in March of this year, we imported 67 percent of our oil from foreign countries. So we need to become energy independent and, yes, this farm bill in title 9 invests significant resources in rural America that will help us become energy independent.

This picture is a wind farm in Prowers County, CO. We invest significant resources in wind power in my State, not only for these larger wind farms which can produce several hundred megawatts of power but also for small farms and industrial areas where you see these small windmills that can actually produce enough electric generation to meet all the needs of a farm or a small business area or to help make sure we are providing electricity to places that are remote and far away.

When we look at this 2007 farm bill, one of the marquis aspects of this bill

is that it helps create a new opportunity for rural America and helps us grow our way to energy independence. On that one ground alone, we should all be willing to move forward to come up with an agreement that will allow us to move this farm bill forward.

Two years ago, when I went back to Colorado, shortly after having been elected to the Senate, I asked people to try to find a place where I could go and visit an ethanol plant. There were none at that time. Today we now have four ethanol plants like the one that is located in Sterling, CO in this picture. We are just beginning to see the energy revolution that is revitalizing that whole red part of the eastern plains of the State of Colorado. This farm bill will help us move forward in that continuing positive direction.

Another aspect of this bill which is so important, and we must keep reminding people, is conservation. When you think about conservation and what this farm bill does, this is the most significant investment ever made in conservation in the history of the United States under this farm bill. Through these investments we will be able to help make sure the water—which is the lifeblood of our rural communities; which is the lifeblood of the Nation; which is the lifeblood, certainly, of my State, which is the mother of rivers in the western part of the United States of America—that we are able to take advantage of using the water resources of our country in a positive and constructive way.

Shown in this picture is an EQIP project which is in northern Colorado, where you can actually see an EQIP project which is conserving water in the livestock tanks that have been placed out here on this ranch.

But it goes beyond water tanks and water conservation. There are also a whole host of other programs that we deal with in conservation. There is a Grassland Reserve Program. There is a Conservation Reserve Program. There is a CSP. There is a Wetlands Reserve Program.

This picture is taken of a pond which has been restored in the northern part of my State which is part of the Wetlands Reserve Program that helps us make sure we have quality wetlands.

I want to make this quick point about conservation. When you think about the people who care about our land and our water, farmers and ranchers know about the importance of land and water because they know that is their way of life. If they do not take care of their land and water, they know the next year's crop is not going to be there because their way of living is taken away from them. So farmers and ranchers are among the best environmentalists, among the best conservationists we know.

Seventy percent of our lands across this great United States of America are owned by farmers and ranchers. So the conservation program that we have in the national farm bill, in this 2007 farm

bill, is absolutely essential for us to be able to protect the lands and waters of these United States.

So I hope all of the conservation organizations that are out there, knowing we are working on the farm bill today, and the millions of Americans who care about conservation make sure their Senators know we should move forward on this farm bill in order to achieve the conservation objectives of this farm bill. They should let their Senators know this gridlock, this obstructionism we see is allowing politics to triumph over the very important public purposes which we are trying to achieve in conservation.

Let me finally say, there are many other aspects of this farm bill which are important, including the safety net which takes a small portion, about 13 percent or so, of the entire farm bill budget, and that is the support system to make sure we are able to keep farmers and ranchers on the land.

As part of what we have done in trying to be innovative and moving forward with programs that will help rural America and will help farmers and ranchers, we, for the first time, under the leadership of Senator BAUCUS and Senator GRASSLEY, have included a fund to be able to deal with the disasters that affect rural America so often.

In this picture behind me, you see what has become the norm in my State over the last 6 years, where we have seen some of the record droughts in Colorado. In fact, we had the most severe drought in my State of Colorado in almost 500 years just a few years ago which devastated agriculture across the State from corner to corner.

Shown in this picture is a cornfield in Washington County. Now, some people will see this cornfield, and they will say: It looks like a bunch of dead plants. A farmer looks at this cornfield, and a farmer sees a dream—a dream that will not be realized.

In this picture, a farmer will look at it, and the farmer will remember the day when he went out and tilled the soil, when he fertilized the soil, when he planted the seed. The farmer will look at this picture, and he will remember the day when he saw the first green come through the soil as these corn seeds became plants.

In this picture, he also will see the dream he had at that point, which was that he would be able to produce enough corn from his farm to be able to make a living, to be able to pay off the operating line at the bank, to be able to make the mortgage payment for the land. The farmer will see a lot in this picture. Yet we have not had a responsible disaster program for agriculture in Washington, DC, for the longest of times. So every time there is a disaster somewhere, we have to come multiple times to the Senate, to the Congress, to try to find disaster emergency relief, which takes a lot of time.

We have been through that effort dozens of times over the last 20 years. So it is time we fund a permanent disaster fund, which is included in this

legislation, thanks to the leadership of Senator BAUCUS and Senator GRASSLEY and other members of the Finance Committee who have worked on this issue so hard.

Let me, in conclusion, say once again, I have come to the floor to speak about the farm bill because it is something we can easily do. We have 2½ weeks before Christmas. This is legislation we have worked on for a very long time. Under the leadership of Senator CHAMBLISS, several years ago, he held hearings on reforms to the farm bill all over this country. Under the leadership of Chairman HARKIN, this year, the first hearing on the farm bill was held in my State in Brighton, CO, in Adams County, one of the largest agricultural counties in my State. The effort has yielded a farm bill which is a good farm bill which should allow us to move forward to have a final farm bill coming out of the Senate.

Now we have seen, again, Senator REID come to this floor, and he has said to the Republican leadership: We want to move forward on the farm bill. Senator REID has said: We will take 10 Republican amendments to 5 Democratic amendments. Let's have a debate on those. Let's set up some time constraints on that debate, and let's get down to the point where we can have a final vote on this very important bill. Yet the answer is: We object—on the other side—to anything happening here on this farm bill.

I am hopeful the champions of rural America, the champions of agriculture on the Republican side, come over to join us to help us move this farm bill forward.

I hope the people of America put pressure on the Members of the Senate to move forward to bring us to a conclusion on this 2007 farm bill so at the end of the session we can go home for Christmas and we can say we have done something good for the food security of our Nation.

We ought to remember that sign on my desk that says: "No Farms, No Food." "No Farms, No Food." Every American eats. This farm bill is essential to make sure we maintain the independence and the food security we have had with food in America.

I am very hopeful we are able to move forward with this farm bill.

PAYING FOR THE ALTERNATIVE MINIMUM TAX

Mr. LEVIN. Madam President, I rise today to urge my colleagues to support fairness in our Tax Code and fiscal responsibility in our budgets and appropriations.

Sometime in the next 2 weeks, the Senate will likely be asked to vote on legislation to fix the alternative minimum tax—what we call the AMT. The issue before us is not whether the AMT ought to be fixed. Fixing it is the only fair thing to do for America's middle-class families. The real issue is whether we are going to fix it in a way that

is fiscally responsible, so that we do not leave our children and our children's children to foot the bill—yet again—for our spending.

After 6 years of runaway deficits and Tax Code revisions that have disproportionately benefited the wealthiest among us, Democrats committed during the 2006 election that we would reinstitute fiscal responsibility. We pledged to play it straight with taxpayers: we said we will not run up deficits with the cost of new legislation; we will pay for what we legislate. That pledge applied to program increases, to new programs, and to tax cuts. The Democrats' fiscally responsible, pay-as-you-go pledge is the only way we have been able to temper deficit spending that has once again become the norm in Washington over the past 7 years.

So far we have held firm on the so-called "pay-go" commitment. But fixing the AMT carries a cost of \$51 billion, and pressure is mounting on the Senate to break that commitment and add to the record \$9 trillion national debt that is already threatening future generations. In the name of fairness and fiscal responsibility, the Senate should resist that pressure.

President Bush has recently used the rhetoric of fiscal responsibility.

President Bush said, "You have to have some fiscal discipline if you want to balance the federal budget."

The distinguished minority leader, Senator MCCONNELL added that it is time "to get us out of the business of political theater and back to the business of governing in a fiscally responsible way."

I agree with those sentiments even if they are 6 years too late. But being fiscally responsible as we fix the AMT will require the Senate to do more than talk the talk about fiscal discipline; it will require the Senate to walk the walk by paying for any tax reductions, and not paying for them by increasing the national debt.

Unfortunately, some of our Republican colleagues have a blind spot: they call for fiscal discipline when Congress wants to pay for an earmark or a new program, but when tax cuts are on the line, fiscal discipline is suddenly tossed into the legislative trash can. True fiscal discipline means we have to look at the bottom line for taxpayers no matter what kind of legislation we are debating, including a fix for the AMT.

The AMT was intended, when adopted in 1969, to ensure that every American with significant income contributes at least some taxes to this great country. It was designed to stop the highest income taxpayers from using tax loopholes to escape contributing one thin dime to Uncle Sam, ensuring that they shoulder their fair share of the tax burden.

The AMT included exemptions to make sure that middle class Americans were not forced to pay higher AMT taxes instead of their normal tax burden. But in recent years the AMT has

gone wrong. The problem is that the AMT's exemptions protecting the middle class have not been adjusted for inflation, and the AMT is now loading additional taxes onto the backs of working families who already pay their fair share.

In 2006, 4 million taxpayers had to pay higher taxes due to the AMT. In 2007, with no fix, 23 million Americans will have their taxes increased because of the AMT. That includes 830,000 taxpayers in Michigan, which is 18 percent of all the taxpayers in the State. Only a few of these Michigan taxpayers are upper income, and most are not taking advantage of unfair tax loopholes. But if they are caught by the AMT, all 830,000 Michiganders could be hammered with hundreds or even thousands of dollars in additional taxes.

There is a consensus in Washington that the AMT exemptions ought to be expanded so that the AMT impacts only upper income Americans, and not middle class Americans already working hard just to get by. The only issue is whether we are going to pay for it.

Protecting the middle class from AMT taxes in 2007 will cost the Treasury about \$51 billion over 10 years. Faced with this cost, the House has taken the fiscally responsible course of action. It has sent us a bill, H.R. 3996, which would protect the middle class from the AMT sledgehammer in a way that is revenue neutral and does not add to our national debt.

The House bill includes three fiscally responsible provisions that would raise \$52 billion to pay for the AMT fix. These measures would ensure fairness in the taxes levied on stock profits and in the taxes paid by hedge fund managers. Each provision represents an important tax reform in its own right that merits our support as a matter of tax fairness.

The first of the House measures would require stock brokers to start reporting the cost basis of the securities they sell for their clients on the 1099 forms that brokers already send to those clients and to the Internal Revenue Service, IRS. Reporting the cost basis on these forms is a simple way to help ensure that the stock owners accurately report to the IRS any profits earned from the sales of the stock, and it enjoys broad, bipartisan support. It is expected to generate about \$3.4 billion in added tax revenues over the next 10 years.

The next two House provisions would affect the income taxes paid by hedge fund managers, a small group of investment advisers who are among the wealthiest in America today.

Hedge funds are private investment funds accessible only to wealthy individuals and large institutional investors. The experts who decide how to invest these dollars are typically called hedge fund managers. In 2006, there were about 2,500 hedge funds registered with the Securities and Exchange Commission, SEC. Hedge funds take money only from sophisticated investors such

as pension funds, university endowments, and individuals who have at least \$5 million in investments. By taking investment dollars only from sophisticated investors, hedge funds can avoid complying with SEC regulations that apply to mutual funds and other investment funds available to the general public.

Last year, press reports indicate that the top U.S. hedge fund manager made \$1.7 billion in compensation. That's billion. The average compensation for the top 25 hedge fund managers was around \$570 million. Each. Think about that. For comparison, the 2006 median income for U.S. households was less than \$49,000, which is less than one ten thousandth of the income collected by those top hedge fund managers.

Hedge fund managers make their money by charging their clients a management fee equal to 2 percent of the funds provided to the hedge fund for investment and, in addition, by taking 20 percent of the profits earned from those investments. The 20 percent share of the investment returns from hedge funds is known as "carried interest." Under current law, most hedge fund managers claim that this carried interest qualifies as capital gains subject to a maximum tax rate of 15 percent, rather than as ordinary income subject to a maximum tax rate of 35 percent.

When hedge fund managers take 20 percent of their clients' investment returns, they are being compensated for managing those client funds; they are not collecting profits from investing their own money. Characterizing this compensation as capital gains is a tax dodge that has been allowed to go on for too long. This tax loophole allows hedge fund managers to pay a 15-percent capital gains rate on millions—or even billions—of dollars in income. Meanwhile, a receptionist in the same office receiving a \$50,000 salary pays at a regular tax rate. Making a salaried worker pay a higher tax rate than the managers who are making hundreds of millions of dollars is a tax travesty, and it has got to stop.

The House bill would restore fairness by putting an end to this tax loophole. The second provision of the House bill would make it clear that the 20 percent carried interest is, in fact, taxable as ordinary income, making hedge fund managers pay the same income tax rates as ordinary Americans. If enacted, it would raise about \$25.6 billion over 10 years, half the cost of fixing the AMT.

The third provision in the House bill would address a smaller group of hedge fund managers—those routing their compensation through offshore corporations located in tax havens.

The hedge fund managers participating in this tax dodge typically don't live or work in the tax haven where the offshore corporation is incorporated. The offshore corporation often doesn't have any physical presence in the tax haven either—it functions as a shell

company with no full-time employees or physical office. The whole arrangement is a phony setup to enable the hedge fund manager to appear to get paid outside the United States, direct the offshore corporation to place the compensation in an offshore retirement plan, and defer payment of any U.S. taxes on that compensation until sometime in the future. In the meantime, the offshore corporation can invest the funds tax free and accumulate investment returns for the hedge fund manager. The result of all this tricky maneuvering is that hedge fund managers are able to defer U.S. income taxes and circumvent parts of the U.S. Tax Code that limit tax free contributions to retirement plans. Some are able to defer paying taxes on hundreds of millions of dollars of annual income.

The House bill would put an end to this offshore tax dodge by requiring hedge fund managers to pay taxes on any earnings from their deferred offshore compensation, as those earnings accrue. The tax-free ride would be over. If enacted, this provision would raise \$23.8 billion over 10 years.

Requiring accurate reporting of stock profits, applying the same tax rates to carried interest as to the income of ordinary Americans, and taxing deferred offshore investment income are provisions that promote tax fairness and make a lot of sense. Together, these three House provisions would raise more than \$52 billion over 10 years, enough to pay for the entire \$51 billion AMT fix so that we can protect middle class Americans from the AMT sledgehammer without running up the national debt.

So why is the Senate hesitating to enact the House bill?

Some claim that forcing hedge fund managers to pay their fair share of taxes would somehow put an end to the capitalist spirit in America. Whatever the merits of the argument for lower taxes on capital gains, those arguments certainly do not make any sense when applied to income earned for servicing and managing other peoples' capital. Surely the person who earned \$1.7 billion would have had that same capitalist spirit and zeal for investing whether his take home pay was \$1.7 billion or \$1.1 billion.

Some of my colleagues argue that the Senate just should add the \$51 billion cost of the AMT fix to the deficit and leave it at that. But when some taxpayers are given a free ride, the rest will inevitably be asked to make up the difference, whether it is through increased debt or higher taxes down the road. We all know that there is no free lunch, and there is no free tax cut, and history shows that when upper income groups avoid paying taxes, the middle income groups end up footing the tax bill. Unfortunately, some continue to grasp onto the fiscally irresponsible attitude that, in just the last 7 years, has added \$3.5 trillion to the \$9 trillion debt ditch already threatening the economic well-being of the next genera-

tion. And they would dig that debt ditch deeper—instead of paying for the AMT tax cut—primarily to protect hedge fund managers from paying their fair share of taxes.

I don't understand how some can claim that the deficit matters when the debate is over \$22 billion in appropriations for health, education or veterans, but not when the issue is \$51 billion in tax benefits for the wealthiest Americans.

The bottom line is that the House found the political will to impose tax fairness on hedge funds when they passed H.R. 3996. The Senate can and should do the same. If we don't—if we give in to the pressure to break the pay-as-you-go rules that have so far held firm in the Senate—it will be that much easier to break the rules again in the future. Giving up on pay-go would let down American taxpayers who are counting on us to act responsibly and pay for what we legislate.

If the Republican filibuster continues and succeeds, and if we cannot muster 60 votes to break it, we would then be forced with the choice of raising taxes on 23 million working families or violating our pay-as-you-go rules. I would protect my constituents at the expense of an even deeper national debt. But we don't have to go that way, and we shouldn't. With the House bill we can protect our constituents from unintended tax increases, we can ensure fairness in the tax code, and we can avoid increasing the Federal deficit.

I urge my colleagues, Republicans and Democrats, to take a look at the tradeoffs presented in the House bill. The House bill will allow us to fix the AMT for a year, and at the same time ensure that the wealthiest among us contribute their fair share to this great country. I urge my colleagues to take seriously Congress's commitment to fiscal responsibility as well as fairness, and to pass H.R. 3996.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

CONCLUSION OF MORNING BUSINESS

Mr. REID. Madam President, I ask unanimous consent that morning business be terminated.

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

Morning business is closed.

TEMPORARY TAX RELIEF ACT OF 2007—MOTION TO PROCEED

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of the motion to

proceed to H.R. 3996, which the clerk will report.

The assistant legislative clerk read as follows:

A motion to proceed to the bill (H.R. 3996) to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes.

Mr. REID. Madam President, it is my understanding there is a motion to proceed that is now before the Senate. I ask to withdraw it.

The PRESIDING OFFICER. Without objection, the motion is withdrawn.

Mr. REID. What now is the pending business?

FARM, NUTRITION, AND BIOENERGY ACT OF 2007

The PRESIDING OFFICER. The clerk will report the pending business.

The assistant legislative clerk read as follows:

A bill (H.R. 2419) to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes.

Pending:

Harkin amendment No. 3500, in the nature of a substitute.

Reid (for Dorgan/Grassley) amendment No. 3508 (to amendment No. 3500), to strengthen payment limitations and direct the savings to increased funding for certain programs.

Reid amendment No. 3509 (to amendment No. 3508), to change the enactment date.

Reid amendment No. 3510 (to the language proposed to be stricken by amendment No. 3500), to change the enactment date.

Reid amendment No. 3511 (to amendment No. 3510), to change the enactment date.

Motion to commit the bill to the Committee on Agriculture, Nutrition, and Forestry, with instructions to report back forthwith, with Reid amendment No. 3512.

Reid amendment No. 3512 (to the instructions of the motion to commit to the Committee on Agriculture, Nutrition, and Forestry, with instructions), to change the enactment date.

Reid amendment No. 3513 (to the instructions of the motion to recommit), to change the enactment date.

Reid amendment No. 3514 (to amendment No. 3513), to change the enactment date.

CLOTURE MOTION

Mr. REID. Madam President, it is my understanding there is a cloture motion on the Harkin substitute amendment at the desk.

The PRESIDING OFFICER. The motion having been filed pursuant to rule XXII, the clerk will report the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

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

Tom Harkin, Russell D. Feingold, Jon Tester, Dick Durbin, Benjamin L. Cardin, Frank R. Lautenberg, John F. Kerry, Ted Kennedy, Byron L. Dorgan, Barack Obama, Ben Nelson, Amy Klobuchar, Sherrod Brown, Sheldon Whitehouse, Tim Johnson, Jim Webb, Hillary Rodham Clinton.

Mr. REID. Mr. President, I now ask unanimous consent that the mandatory quorum call be waived.

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

Mr. REID. Mr. President, I move to proceed to calendar No. 487, H.R. 3996—I am happy to see my friend, the distinguished Senator from Georgia on the floor. I believe my friend from Georgia knows how hard I have tried to get some way to proceed forward on this farm bill. We don't have farms in Nevada. We do have some. We have lots of ranches. As I have said on the floor before, the one crop we are very proud of is onions. We are the largest white onion producer in the world—in the United States—I am sorry. And in Lyon County, we produce lots of stuff: onions, garlic, and in Mason Valley, lots and lots of alfalfa. The greenbelts of Nevada are shrinking because of the population growth we have. But we still have ranches—ranches that were owned by Bing Crosby—I mean that were famous ranches. They still are. But even they are being hit by the population growth.

We are very proud of our ranching community. There are things in this farm bill that have direct impact on my constituency in the State of Nevada. That is one reason I have tried everything I know to move to this bill.

We have tried moving forward amendment by amendment. The Dorgan amendment under the bill is still pending. That is a bipartisan amendment. I have suggested let's have X number of amendments, and finally I got so desperate I said let's have the Republicans have 10 amendments and we will have 5. Still no takers on that. We heard from Senator HARKIN today who said: Senator CHAMBLISS and I now have the amendments down to less than 40. I said: Oh, good. Let's enter into an agreement that we will have 40 amendments, or whatever it is, and we will proceed to work on those. No time agreements. No deal.

The only agreement we have had on this bill is we have locked in a finite number of amendments. But it is 287 amendments—287 amendments—with issues that are so pertinent to the farm bill, like immigrants' driver's licenses, just for beginners. There have been some suggestions: Well, why don't you just move to the bill. We are in the waning days of this year, and we have to proceed and complete a number of issues. But I was a little bit lax. I said: Well, maybe we are working here, trying to work together on things, and the Amtrak bill hasn't been done for 5 or 6 years and people are crying for something to be done about this. We have one Republican Senator for years who has tried to kill Amtrak. He came very close to it a few times and we always were able to survive. So this year, I said let's move to it. On a bipartisan basis we had people who wanted to do that bill. We opened it up. What is the first amendment? A tax measure. A tax measure. We finally got that bill passed. But we can't on this farm bill open it up.

I have heard the distinguished Republican leader come forward and say: Well, that is what we have done in the past. I have been through this before, but let me repeat for everyone: The average number of nongermane amendments on farm bills has been one—one per bill—one. In my efforts to be fair and to move forward, I said, OK, on the 10 amendments the Republicans want to do on this bill, we will have two of them nongermane. I didn't ask what they would be. There was no taking of that. So I have done literally everything I can do.

The farming and ranching community of this country, they know why we are not moving forward on the farm bill. They know what is going on: The Republicans do not want to move on the farm bill. Maybe they don't care about it. Maybe they think it would be some kind of a victory for Democrats who are in the majority in the Senate—not much of a majority, but we are in the majority. I don't understand what this is all about. But Friday morning we are going to have a cloture vote again. Is that so unreasonable that if people believe in the farm bill, then they would still have 30 hours to offer amendments relating to the farm bill? They would have to be germane amendments. But what would be wrong with that?

We have had one cloture motion. It has been defeated. We have waited weeks now. We have offered all kinds of suggestions to move forward. We have not heard a single proposal back from the Republicans other than to say: Well, open it up for amendments. Open it up for amendments so we can ask that we initiate a flat tax, or open it up to an amendment that we push forward on Bush's tax cuts that have put this country into such a terrible hole financially. That is what the plan is, and we are not going to be a part of that plan. We want to do a farm bill. We want to do it fairly and reasonably.

While we are talking about schedule, I have spoken to the Speaker several times today and she is going to complete either today or tomorrow an energy bill. That being the case, that will come here as a message from the House and we will have a cloture vote on that. The way things now are, if it gets here tomorrow, we will file a cloture motion on that and we will have a vote on that Saturday. So everyone should know that unless there is an agreement to change that, we will have a vote on Saturday. We have Senators leaving for Bali and Senators wanting to go to some celebration at Pearl Harbor, and a lot of other places people want to go. But the country has a lot of business that needs to be attempted to be completed, and we are going to do that. I hope we can work together to solve some of these issues.

But to show the futility of our trying to progress, take, for example, the AMT, this tax proposal which was passed by a former Republican administration. Unless we place a so-called

patch on it, 20 million people or so will have an added tax. Some who make as much as \$75,000 to \$500,000 will be affected by this legislation if we don't do something to patch it. I have done everything I can except turn a back flip off of the Presiding Officer's chair to see if we can figure out a way to move forward on AMT. I ask: How could we be more reasonable than what we have suggested?

The House has passed a bill. It is over here. I said: Let's vote on that by unanimous consent. Let's vote on it. In addition to voting on that, let's vote on Senator LOTT's proposal. Senator LOTT's proposal is to do away with the AMT. The only problem with that is it would cost about \$1 trillion, but we are willing to vote on it. Senator GRASSLEY and Senator BAUCUS have a measure out of the Finance Committee that says we are going to have tax incentives, which people believe in, and they are all paid for. With that is an AMT that is not paid for. Nope, we can't do that. I said: Well, I have a new idea. Let's have a vote and not pay for it. Nope, can't do that. So if there were ever a book on being reasonable, I hope they include a paragraph or two about what we have tried to do the last few days. We have tried to be reasonable.

Think about this: What else could we agree to do on AMT? They don't want to vote on it if it is paid for. They don't want a vote if it is half paid for, they don't want a vote if it is repealed, and they don't want a vote if it is not paid for. I don't know what other iterations of this anyone could come up with, but I think I have covered the basics. We have been told by the Republicans no vote on any of them.

If there is a closure of this congressional session and the AMT hasn't passed, it can be directed where most everything is directed—with the Republicans marching in lockstep with the White House. The Republicans. If there is no AMT patch, it is the fault of the Republicans. They won't let us vote on anything.

So I say through the Chair to the distinguished Senator and my friend from Georgia: Do you know how we can complete the farm bill?

Mr. CHAMBLISS. Mr. President, first, I thank the majority leader for coming down to the floor and providing one more chance to discuss this. I regret that the majority leader has taken this action to file cloture. But I can tell you what the answer is and I can tell you how to complete the farm bill. This is our fifth week on this bill, literally. We had 2 weeks before the Thanksgiving recess. We have been out 2 weeks, and our staff has been working extremely hard during those 2 weeks, and here we are back in the fifth week. If we had had an open process initially, this farm bill would be in conference today. I think that still can happen. The distinguished majority leader referred to the number of amendments that are out there. I don't remember what the number was, but 286, I be-

lieve, is what he said, and I think that is correct. A little over half of those were Democratic amendments and about half were Republican amendments. We have hotlined our bill once again today, and through work of the staff on both sides, we have cut our number in half again today, and I daresay I can cut it by two-thirds in very short order. So we are moving south. We are moving in the direction of getting amendments not only that are germane, but as the distinguished majority leader said, we have always had a couple of nongermane amendments on farm bills. As I looked at the list of the Democratic amendments, there were a number—I daresay more nongermane amendments on there than there were amendments that are germane to the farm bill. So I don't think it serves any purpose for us to argue about the germaneness or nongermaneness, obviously, with the exception of the cloture vote, what effect it will have on that.

But here is my point. This has been a bipartisan effort, as the majority leader knows. I worked very closely with Senator HARKIN and Senator CONRAD and we have developed not only a bipartisan farm bill, but we, in a bipartisan way, have been whittling down the amendments. We are going to continue to do that, in spite of the cloture motion being filed, and I am very hopeful that whether it is Friday of this week or Monday of next week or Tuesday of next week, whatever the date may be, we can come back to the majority leader as well as the minority leader and say: OK, here is where we are. This is the final number of amendments that we can finally have votes on, and if no agreement can be negotiated on that basis, then perhaps we can't come to some conclusion of it. But we have stood ready from day 1 to have an open process of amendments being filed, amendments being debated, and votes on those amendments, and some of those amendments I have significant disagreements with. But I was willing to debate those amendments and if we win, we win; if we don't win, we don't win, and we move on, but we get a bill off the floor of the Senate. The House passed their bill in July, and here we are in December and our work has not been completed.

I would simply say to the majority leader, if he asks me, as he did, how can we get a farm bill? Let's start it. Call it up. Let's let amendments be filed, debated, and voted on. I assure you we will move this farm bill. I am here Saturday, Sunday, nights, holidays, whatever the majority leader suggests.

We are here to do a farm bill, and I think I also speak for Senator HARKIN that he will be here, and we will get this done.

Mr. REID. Mr. President, Senator HARKIN told me today Senator CHAMBLISS and he had agreed to about 40 amendments; is that valid?

Mr. CHAMBLISS. We have not agreed to that. We have been working together.

Mr. REID. See, Mr. President, this is the problem we have all the time. The Chairman, Senator HARKIN, said Senator CHAMBLISS and he had agreed to have less than 40 amendments. I said, fine. But it is always this rope-a-dope—no, it is not 40; we are still working on it. Of the 287, half of those are gone. And I guess half of that would be 143. We are down on the Republican side. Maybe they can get rid of two-thirds of them.

There is always some reason we cannot go to the bill. It is very easy to say if we had had an open process, we could have been to conference. That is foolishness. I repeat, we know what farm bills are. It takes a while to work through them. But in recent history, we have averaged one nonrelevant amendment per farm bill. I am willing to take nonrelevant amendments, but no one will tell us what they will agree to. I agreed to 10, 5, and then Senator HARKIN said we can have 40. I said sign them up, let's do 40.

The ranking member of the committee says: Well, we are still working on it. That is what we have had. I want all ranching and farming families to hear what is going on here, which has gone on for weeks. Whether the purpose is to stop Democrats from passing a farm bill, I don't know. Maybe the ranking member simply doesn't want a bill. There may be reasons for that. We had a bipartisan bill. Twenty percent of the Senate voted on the bill. Twenty-one Members of the Senate are members of the Agriculture Committee, and they voted to report the bill out here. But there has been no movement on it. Cloture is ripening now, and we will move forward.

To show what is going on, we have filed cloture on AMT, the bill that came from the House. We filed cloture on the farm bill; we are going to file cloture tomorrow on the Energy bill. Everything we do, we have to procedurally go through all of these hoops because the Republicans are on steroids as it relates to filibusters. They are going to break all records. They will break a 2-year record this year. I think the American people are seeing what is going on.

The Republicans are demanding the status quo, in spite of our accomplishments. We have had a lot of accomplishments, Mr. President. We can run through the list, but we need not do that. But there have been large, significant, and important accomplishments. Accomplishments are not enough. We believe in changing the status quo. We believe in the agents of change. They are agents of keeping things the way they are.

The American people want things changed, and we want to be part of that change. We hope we will be joined by our Republican colleagues to change a few things. Let's have a new farm bill. Let's not have to extend the farm bill

that is now in existence. Let's try to do something with AMT, rather than walk out of here and have people saying it is too bad the Democrats didn't do AMT.

I have said that I defy anybody to come up with a way to do AMT other than the way I have suggested: Vote on the House bill, which is fully paid for; do the Lott proposal, which eliminates it and costs a trillion dollars; do what Senators GRASSLEY and BAUCUS reported, that we pay for the extenders, not for the AMT. This morning I suggested don't pay for it. But, no. Silence.

I am disappointed but not surprised at how we have been treated today.

Mr. CHAMBLISS. Mr. President, let me respond to the distinguished majority leader by saying that when he says I don't want a farm bill, nothing could be further from the truth. I already voted for this farm bill. I am ready to vote for this farm bill that came out of the Agriculture Committee tonight.

But when he says also that they are the advocates of change, what he is proposing is a change in the process when it comes to farm bills. We do think the status quo on farm bills is the direction we ought to go, which is a free and open amendment process, to let the will of the Senate operate relative to farm policy.

This is a critical 5-year bill for every farmer and rancher in America. If we limit the ability of folks to certain areas of concern, then we are not giving every farmer and rancher in America the opportunity to have their case made in the Senate. So I simply say I am ready to bring a farm bill to the floor. I have been ready for 5 weeks to do it. Senator HARKIN and I have not even had a discussion today about 40 amendments. I am not sure where that came from. There has been absolutely no conversation between Senator HARKIN and myself about that.

I am prepared to move forward. If the majority leader will call up the farm bill, let's start the amendment process, debate, and votes. I am here to do it.

Thank you.

Mr. REID. Mr. President, I appreciate the Senator from Georgia talking about his experience here. But I have a little bit of experience, too. I have been here a quarter century. I know how farm bills work. Anybody can look at the record. Farm bills have been handled the way I have talked about them being handled.

If the Senator from Georgia so likes this bill that he voted for, what would be wrong with voting cloture with us and allowing people who have germane amendments to the farm bill to offer them? What in the world is wrong with that? I say, respectfully, that the Senator is speaking out of both sides of his mouth when he is saying he supports this bill, when he is not willing to vote for cloture and accept germane amendments. He wants some other process so they can deal with driver's licenses for illegal immigrants and other issues that have nothing to do with the farm

bill. They are trying to send a message. I have said we will accept x number of amendments, and I spoke to Senator HARKIN and he said they worked on this today. I thought he had spoken to the Senator from Georgia. Maybe it was staff driven, but he said they agreed to 40 amendments. I said sign the deal up. Or let's agree to 50 amendments. But we cannot get any agreement. We are in a rope-a-dope, Mr. President.

The PRESIDING OFFICER. The Republican leader is recognized.

Mr. MCCONNELL. Mr. President, this sounds somewhat similar to the discussion the majority leader and I had earlier today, so I will not belabor this. Sometimes it is harder to get a consent agreement limiting Members' opportunities to offer amendments than it is to call up a bill and process amendments, which is the way we have done farm bills in the past.

Six years ago, a Democratic majority filed cloture a couple times and cloture was not invoked. The bill was put aside, and we came back later and finished it in a week, with no consent agreements, no limitations, nothing. We disposed of the amendments. That is the way to pass this bill.

With regard to the AMT, this is a bill upon which there is a possibility of a consent agreement limiting amendments. In fact, I offered one yesterday that would limit the AMT consideration to four amendments. So we can get, on the AMT, a consent agreement that would make that possible to be dealt with in short order.

I repeat my request of the majority leader to take a look at that and see if we cannot enter into a consent agreement to wrap up the AMT.

Regarding floor time, we have spent the whole day doing nothing. Today, we could have been on the farm bill processing amendments and moving us down that path. Senator CHAMBLISS indicated, before I came to the floor, that the list on our side could be significantly narrowed. Why don't we, at some point, look at that, and we will have fewer and fewer amendments to deal with. I don't know what we intend to do on the floor next week, but if most of the work of the Senate right now is going on in negotiations off the floor, why not be doing the farm bill on the floor and processing amendments and moving forward like the Senate normally does?

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. DURBIN. Mr. President, it is interesting that when you offer to the Republicans the opportunity to have a farm bill and debate the issues on the bill, they reject it. They want to debate a lot of other things. They want to bring up a lot of other issues. I recall the list of amendments, including one from the Senator from Alaska regarding the *Exxon Valdez* litigation. That is an important issue, but is it a farm bill issue? Would the Senator from Georgia

argue with me that that has no place on the farm bill? Why would that be on the list? I am sure it is a valid idea.

When it comes to AMT, 19 million Americans are going to get hit with this tax if we don't do something. The Senator from Kentucky says we should engage in a debate on the Senate floor on the flat tax. What? Yes, the flat tax. That is one of their amendments. They want to toss out the entire Internal Revenue Code and replace it with a flat tax. We have to argue that before we take up the AMT. That is what we are hearing from the Republicans.

Does that sound like it is responsible, like it addresses the issues we were sent to deal with? Every time we get to a substantive issue, Senator REID comes to the floor and says let's narrow the amendments, have the debate, and decide it up or down. We will give you your chance to offer amendments related to the bill, and we will see how it ends. How much fairer can that be? They reject it.

Time and again, they reject it because they don't want us to achieve anything in this session. Fifty-six times this year they have created a filibuster situation. Now, people who don't follow the Senate may not know what that means, but if you saw "Mr. Smith Goes to Washington" and watched Jimmy Stewart crumple at his desk when he had run out of steam and could not talk anymore, that is what a filibuster is all about. That is what the Republicans are all about—talk, talk, talk—or in the modern era, recess, quorum call, recess, quorum call.

Some Senator said to me it reminds him of when Abraham Lincoln contacted a general during the Civil War and said: If you are not going to use the Army, can you let me use it to execute the war?

If we are not going to use the Senate floor to do the business of the American people, can we set up a flea market or something, so that something positive is happening?

The Republicans are determined to stop anything substantive from happening. We want to take up the AMT tax and protect 19 million taxpayers. They are going to stop us. When they stop us, they are going to blame us. We saw that earlier in the day. The Republican leadership stopped a bill, and a Senator said we are just not taking up appropriations bills. They cannot have it both ways.

I listened to Senator REID, and I detected a note of frustration. How many weeks have we wasted trying to get through a farm bill that passed overwhelmingly on a bipartisan basis? They want to consider an amendment on the *Exxon Valdez* spill on the farm bill. I am sorry, but there are important things in that bill that need to pass, and they should not be held hostage to the whim of every Senator on the Republican side who has an idea. I am sure we could have a spirited debate about the future of the flat tax. But it is getting close to Christmas, and we

are supposed to get this done before we leave. We will never get it done if every Senator on the Republican side who dreams up another debate topic is given another half day or 2 days to pursue it.

At some point, leadership involves responsibility. At this point, I think the Republicans are being irresponsible because they refuse to let us do the people's business. They want to protect the status quo. They don't want this to change. They want to make this a do-nothing Congress just like the last Congress, when they were in charge. We are trying our best to avoid that. The honest answer may be that we need more votes on this side of the aisle so we can stop this, so we can move ahead and make some real changes in farm policy and tax policy. We would not reach that point if the Republican strategy continues—filibusters and blocking, coming up with excuses, and spending months on a bill that should have taken days.

That is their plan, their policy. That is what they believe in. That is the best they can offer the American people. That is why the Republican Party leadership in the Congress has been summarily rejected by the American people. They are sick of it. They want bipartisan cooperation, progress, and they want change.

MORNING BUSINESS

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate now proceed to morning business, with Senators permitted to speak therein, with Senator AKAKA speaking for up to 5 minutes, Senator MENENDEZ for up to 15 minutes, Senator MURRAY for up to 5 minutes, and Senator WYDEN for up to 5 minutes.

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

The Senator from Hawaii is recognized.

COMMENDING THE UNIVERSITY OF HAWAII WARRIOR FOOTBALL TEAM

Mr. AKAKA. Mr. President, I rise today to commend the University of Hawaii Warrior football team, which completed the first undefeated season in the team's history, securing a first-ever appearance in the Sugar Bowl on New Year's Day.

Facing powerful schools from across the country, this dedicated, hard working, selfless team found the courage, strength and discipline to emerge victorious from every challenge. A spirit of support and teamwork, as well as confidence under pressure, made this historic undefeated season possible.

In addition to their victories on the field, the Warrior football players have also introduced viewers to the diverse cultures they represent. They have become positive role models for young people not only in Hawaii, but in Samoa, Australia, around the South

Pacific and in communities across the United States.

They have made many people proud. They honor the people and land of Hawaii before every game. They have shared our unique culture with the world.

The Warriors have brought the people of Hawaii together, united in supporting this incredible team that continues to defy the odds. I join the people of Hawaii in congratulating the University of Hawaii Warrior football team and rooting for victory in the Sugar Bowl New Year's Day in New Orleans.

As we say in Hawaii, "Hana Hou," do it again! Go Warriors!

The PRESIDING OFFICER. The Senator from Oregon.

COUNTY PAYMENTS

Mr. WYDEN. Mr. President, I thank my colleagues, especially Senator MURRAY and Senator MENENDEZ, for their courtesy. I will be brief.

Today the House and Senate announced a historic package to address the energy crisis facing our Nation. But in addition, as part of that important legislation, the agreement contains more than \$1.8 billion in desperately needed funding for our Nation's rural schools, counties, and communities.

Without the safety net funding provided as part of the energy legislation, rural communities across this country could literally be wiped off the map. Without this critical funding, rural counties across America will once again be staring down into a precipice and a future filled with closed schools, terminated services, and deteriorating roads. Within months, pink slips could again be sent to teachers and to county workers.

Fortunately, some help for those rural communities is now on the way. The energy package contains an extension of the Secure Rural Schools Program that I authored in 2000. This proposal closely mirrors the legislative proposal that was crafted with Senators BAUCUS, BINGAMAN, REID, and myself, a proposal that passed overwhelmingly in this body by a 74-to-23 vote as an amendment that I offered to the war emergency supplemental spending bill last spring.

Specifically, the new energy package provides 4 more years of funding for the Secure Rural Schools Program, commonly known as the County Payments Program. A year of full funding for the payment in lieu of taxes program has also been included. By providing funds through 2011, this deal gets our rural counties off the fiscal roller coaster and back to stable funding so they can get at the real work of planning for the future. Today's announcement would mean \$1.8 billion in critical funding for school and road programs across America.

In our home State of Oregon, particularly when folks are suffering because

of the bad weather, it would mean hundreds of millions of dollars for schools and public safety, roads, and other essential county services. This program has been a successful one. It has been built around collaboration among counties, environmentalists, timber interests, and others, and the funds are absolutely critical to our rural communities.

The legislation that has been agreed to today, the Energy bill, is very important to our country's future. But equally important is the legislation known as the County Payments Program for rural communities.

I am grateful to my colleague, Senator MURRAY, and Senator MENENDEZ, who have been waiting patiently for the chance to make this announcement, and it is my hope that with the unflagging support of rural folks from across the country that this much-needed energy legislation will move forward and the country can look to a brighter future for rural communities. I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

WASHINGTON STATE FLOODS

Mrs. MURRAY. Mr. President, I thank my colleague from New Jersey for allowing me to speak before he does. I wish to speak today because, as we all know, in the last several days, the Pacific Northwest has been hit by devastating storms. We have seen wind and dangerous floods and mud slides that have cut off our roads, our homes, cut off power to literally thousands in my State.

Today, the pouring rain thankfully has subsided a bit, but thousands of people are coping with the damage in my State, in my region. We will not know the full impact of this storm for some time, but our Governor has already estimated that the cost is going to be in the billions of dollars.

My heart goes out to everyone in my home State of Washington and in Oregon who are coping with the aftermath of this tremendous storm. Those people are in my thoughts constantly. I am working with all of our State, local, and Federal entities to be sure everyone gets all the service and support they need at this critical time.

I especially thank and mention our Governor, Governor Gregoire of Washington State. She has been very strong in her leadership throughout this disaster and has been working tirelessly to coordinate the rescue efforts.

I especially today send a very heartfelt thanks to all of our rescue workers. They have been working out in these torrential rains, night and day, rescuing people from flooded homes and vehicles. They have been flying in supplies to people who are stranded. They have been working very hard to clear roads and railways that are still tonight swamped.

So far, the Navy, the Coast Guard, the National Guard, and all of our

agencies have rescued about 300 people by helicopter alone. This is our State's largest aerial search-and-rescue operation in over a decade.

Let me paint a picture for all my colleagues of the damage that has occurred so far.

Parts of southwest Washington now look like a sea of brown water. Homes are flooded up to their roofs. Entire communities have been isolated by swamped roads. Out on our coast, winds of up to 100 miles an hour have knocked out power to literally thousands of homes. People feel very isolated today. They don't have power, they don't have telephones, and, in some areas, it is very tough to even assess how bad the damage is yet because we cannot even get to these people who do not have power or telephones.

I know a lot of relatives in the region and across the country are desperately trying this evening to reach their loved ones who have been affected, and our office, along with Governor Gregoire, Senator CANTWELL, and others, is doing everything we can to help.

Finally, I wish to mention one of the hardest hit areas, and that is Interstate 5. This is the major artery that links Portland, OR, and Seattle, WA. That highway has been closed since Monday, and some are saying it is going to be several more days before we even get it open. This has forced cars and trucks that are traveling from Seattle to Portland or Portland to Seattle to detour through the Tri-Cities. For those who don't know my State, that means they have to go over a mountain pass that is snow packed right now, take 4 extra hours, if the roads are good and the snow and ice has not stopped them on the pass used to get to Portland. So this is a major nightmare in our area.

It is very hard to explain the impact of all this damage, but estimates of cost to businesses from delays on that highway alone have been placed at \$4 million a day to our businesses that rely on this major artery to get their goods quickly and safely back and forth.

As I said in a speech earlier today on the floor, the impact of these storms reinforces how important our transportation infrastructure is to absolutely everyone. We are all one rainstorm, one bridge disaster away from huge impacts to our economy and to families' lives.

Again, I wished to come to the floor this evening to send my heartfelt thanks to everyone who is working so hard in my State of Washington and to all those people who have been affected so devastatingly by these storms. They are all in my thoughts every minute. My heart goes out to them, and I know everyone stands ready to be by their side.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

COST OF THE IRAQ WAR

Mr. MENENDEZ. Mr. President, for more than 4 years now, President Bush has been declaring victory or progress in Iraq. The thousands of soldiers who have lost their legs, gone blind or suffered horrible nightmares might be finding it hard to celebrate. The families of those men and women might not be cheering very loud about the President's view of success. Thousands more whose children, whose mothers and fathers are lost forever might be finding it hard to share in the latest cries of victory.

Yes, the number killed last month dropped to 37, and we certainly rejoice in the fact that fewer soldiers are dying. That is still another 37 families who have no reason to rejoice. More American troops have died this year than any other year.

No matter how much military progress has been made in Iraq, that kind of security can only go so far. No amount of troops will force Iraqi politicians to agree on a fair distribution of oil revenues. No Abrams tank can build trust between Shiites and Sunnis.

The whole point of this surge was to create the conditions necessary for Iraqis to make political progress. But 2 weeks ago, the Washington Post ran a headline that said: "Iraqis Wasting an Opportunity, U.S. Officers Say."

Iraqi security forces are still unable to operate on their own. Any cease-fire between factions could evaporate in minutes. We started drawing down troops to pre-surge levels, but we have to wonder whether we are going to be told again we have to re-surge, do it all over again because the Iraqi Government and security forces are largely still at square one.

Our generals in Iraq have been the first to admit that a solution to the country's conflict has to be more than a military solution; it has to be a political solution. A political solution is up to Iraqi leaders. Right now there has been practically zero progress on the core critical issues necessary to bring a lasting peace.

The administration set 18 benchmarks for the Iraqi Government to meet. They have barely met three. So is it time to turn up the pressure or let them keep squabbling while Americans pay and Americans die?

There is more corruption in Iraq than almost anywhere else on the face of the Earth. We simply don't know where our money is going. It is a pit of quicksand when it comes to money. Some estimates say that as much as a third of the money we spend on Iraqi contracts and grants winds up unaccounted for or stolen—a third of billions of dollars, with a lot of it going straight to Shiite or Sunni militias. Let me repeat that: \$1 out of every \$3 we pay gets either lost or stolen—lost or stolen. Even after billions and billions and billions of dollars in funding, Iraqi society is still dysfunctional.

American money went toward improving, for example, municipal water

systems in Iraq. The Iraqis now break open the pipes and steal the water. American money went toward books for schools. Iraqis steal them from the Ministry of Education and sell them on the street at three times the price. Government officials have sold the furniture right out of their offices. That is what the American taxpayers are funding.

So is it time to change our strategy, or do we ignore the corruption while Americans pay and Americans die? Here is the message we send to Iraqi politicians by sending them a blank check with no expiration date: Continue your squabbles. We will continue to see the loss of American life and continue to empty our treasury for you for as long as you like. That message is: You can sit back while Americans pay and Americans die. I think it is time for a different message, Mr. President.

After seeing a surge in the military that has lasted for months do nothing about a splurge of corruption that has lasted for years, the conclusion we have to draw from that is clear: The only way Iraqis will take charge of their own country and make the tough compromises necessary to form a functional society is when they believe we won't be there forever. That is the only way. It is long past time for the Iraqi Government to take charge, and the only way they are going to step up is if we begin to transition out. A reduction in fighting is not an excuse for a reduction in planning for our involvement to end.

The fact is, the violence has not stopped and the costs of this war have only gone up. The war is costing us \$10 billion or so per month. The debt our Government is taking on, and that taxpayers are going to be responsible for, is exploding at the rate of \$1 million a minute. I heard our colleagues earlier today, when I was Presiding Officer, talk about fiscal responsibility and what we bequeath to the next generation. Well, we are bequeathing them \$1 million a minute of debt, because none of the money the President asked for is paid for—none of it. Yet when we try to invest in America, we are told there is no money for it. But it is okay to continue to saddle the next generation of Americans with a huge debt, \$1 million a minute.

When the numbers are that high, every American taxpayer has to ask him or herself a basic question: How does the President plan to pay for the war?

Well, last week, we got a small part of that answer. He wants to cut funding for counterterrorism at home. According to a leaked administration document, President Bush wants to cut counterterrorism funding for cities by more than half. When I saw that article, I had to do a double-take. When I read that, I thought the report had to be wrong. It had to be wrong. Coming from the State of New Jersey, which lost 700 people—700 of my fellow citizens on that fateful day, and coming

from a nation that lost 3,000 fellow Americans—to hear that we are going to continue to pump money into this war, a blank check, unpaid for, but that we will not take care of our security here at home, that had to be wrong.

His reported budget would slash funding for police, firefighters, and rescue workers. It could mean fewer security guards at ports, less reliable detection of explosives, and less training for security personnel. Basically, it would undermine the entire effort to prevent terrorism that our Nation realized that September day, one of the most urgent challenges we have ever faced. Cutting counterterrorism funding is simply outrageous.

Now I certainly hope the Congress is not going to stand for it, and the people who live in those cities definitely will not stand for it. But is it necessary to remind the President how important it is to protect our homes and families from terrorist attacks? Do we have to say that we must do everything within the bounds of possibility and the law to prevent a terrorist attack from happening again? And this suggestion that we are ultimately spending our efforts and lives and national treasure there so we don't have to spend it here is a falsehood. That is a falsehood.

Is anyone here in America going to feel safer at the end of the day when counterterrorism funding is cut for their hometown security, which as we found out on that fateful day on September 11 is how we responded—with local police, local firefighters, local emergency management? It was not the Federal Government but the local public safety entities. Is that a risk President Bush wants to take, to cut what amounts to .06 percent of the Federal budget, especially when the war in Iraq has eaten up \$455 billion and counting; when the amount he wants to take away from police and firefighters, the people who respond, should, God forbid we have an attack, is an amount we spend in Iraq every 5 days? The money we are talking about for protecting us here at home in America is what we spend every 5 days in Iraq. What are our values? What are our priorities, Mr. President?

The President has requested \$1 billion for the Iraqi police, but he wants to cut funding for the community-oriented policing program that fights crime in America's communities. So he will spend anything on the streets of Baghdad, but he suddenly thinks we should be stingy when it comes to security on the streets of our hometowns. The President wants a blank check for Iraq, but nothing for America.

That ties into what you have been seeing on the floor over the last several days. The reason we can't get appropriations bills out is because Republicans object to the type of domestic priorities the American people elected a new majority to achieve. He wants a blank check for Iraq, but nothing for America. From children's health to

cancer research to crucial water resources, the President has vetoed what is most essential: our health, our safety, and in essence, our liberty. He has repeatedly said it is all too expensive. Meanwhile, he is requesting \$200 billion more to fight a war in Iraq that has achieved nothing for any of us; that has ultimately seen the deaths of thousands of Americans and has left us more disliked around the world as a nation than at any other point in recent history. He wants a blank check for Iraq, but nothing for America. If he submits a budget that cuts funding for counterterrorism, I think he will truly be laying a final brick in the Department of Homeland Hypocrisy.

In high school many of us read George Orwell's book "1984," which was about a nightmare world where words mean the exact opposite of what they should mean. America is starting to understand what the word "security" means to the President. He apparently thinks funding firefighters, police officers, and emergency responders is excessive, but he wants to spy on Americans without warrants, he wants to tap people's phones without any oversight, he condones procedures even the U.S. Army itself considers torture, he wants to throw people in jail without trials, and he basically ignores the most basic tenets of the justice system of the United States since the Constitution came into effect in 1789.

President Bush wants to cut funding to stop terrorism in order to fund a war that has created terrorists. We didn't have al-Qaida in Iraq before we invaded Iraq. We have al-Qaida in Iraq after we invaded Iraq.

America isn't just ready to turn the page on this administration; we are ready for a whole new book. I hope, as we move forward, we can get some of these domestic priorities that the Nation wants to see. I cannot believe we would spend \$200 billion for Iraq but not a fraction of that to be able to ensure that millions of American children can have health care. I cannot believe we would spend \$200 billion more for Iraq but not enough to handle police, firefighters, and emergency management in our communities across the landscape of this country. I cannot imagine approving \$200 billion for Iraq but not being able to deal with the alternative minimum tax relief, a measure Senator REID has tried to bring to the floor.

On issue after issue, the obstructionism, the roadblocks, the coordination between the White House and our colleagues here in the Senate to impede the progress the American people want to see is incredible, as it is equally incredible to continue this course by asking for a blank check for Iraq, but nothing for America.

PERU FREE TRADE AGREEMENT

Mr. HARKIN. Mr. President, I am a longtime supporter of policies designed to open foreign markets to our Na-

tion's exports through trade agreements. I have fought to break down barriers that many other countries have erected to block our exports and to create unfair advantages. The fact is that mutually beneficial trade agreements serve to improve farm income and create jobs here at home, and American consumers receive benefits as well, including lower prices and a greater variety of goods.

I supported the fast track procedure in the 1988 Trade Act. I voted for the North American Free Trade Agreement and the Uruguay Round GATT Agreement. However, trade agreements are not only about commercial transactions. Trade agreements also have major environmental impacts, and they have major implications for the legal rights and working conditions of laborers. All of these factors must be carefully considered in determining whether to support a given trade agreement.

Certainly, there are modest positives in this Peru Free Trade Agreement. The American Farm Bureau Federation has estimated that the agreement would generate a net increase in U.S. agricultural exports of more than \$700 million annually once the agreement is fully implemented in 2025. I note, however, that, in today's dollars, that would represent only roughly one-half of 1 percent of current U.S. agricultural exports.

In addition, this agreement would level the playing field for the United States vis-à-vis other major agricultural exporters in South America. Both Brazil and Argentina enjoy preferential access into Peru's markets because of Peru's associate membership in Mercosur, and this FTA would make it easier for our products to compete with exports from Brazil and Argentina. However, I have always considered these country-by-country trade deals to be far less than ideal. It would be far better to negotiate a successful global trade agreement under the auspices of the World Trade Organization.

Despite these modest benefits, I believe that, on balance, the Peru Free Trade Agreement falls short. I am particularly concerned about the agreement's deficiencies with regard to fighting child labor.

As many of our colleagues know, I have been working to reduce abusive and exploitative child labor around the world for a decade and a half. I first introduced a bill on this issue in 1992. Over the years, I have worked hard to improve the labor provisions in various trade measures, concentrating particularly on abusive and exploitative child labor. I believe strongly that trade agreements should support and reinforce existing international child-labor standards, not undercut them. On this criterion, the Peru FTA falls short.

According to the best estimates by the International Labor Organization, ILO, there are at least 218 million child laborers between the ages of 5 and 17 in today's global economy. Of these 218

million child laborers, more than 100 million have never seen the inside of a classroom. An estimated 126 million children are working under the most hazardous circumstances in mines, in fishing operations and on plantations. These children are being robbed of their childhoods. Many are being denied an education. They are deprived of any hope for a brighter future. In the years ahead, they will grow up illiterate and exploited, and this will create a wellspring of future social conflict and strife, and even terrorism.

We have made progress in recent years by increasing funds for programs to rehabilitate child laborers through our contribution to the ILO's International Program for the Elimination of Child Labor. In 2000, I successfully amended the Trade and Development Act with a provision directing that no trade benefits under the Generalized System of Preferences, GSP, will be granted to any country that does not live up to its commitments to eliminate the worst forms of child labor. I required that the President submit a yearly report to Congress on the steps being taken by each GSP beneficiary country to carry out its commitments to end abusive and exploitative child labor.

I want to explain clearly to my colleagues what I mean when I refer to abusive and exploitative child labor. I am not talking about children who work part time after school or on weekends. There is nothing necessarily wrong with that. What I am referring to is the definition set out by ILO Convention 182 on the Worst Forms of Child Labor. This is not just a Western or a developed-world standard; it is a global standard that has been ratified by 163 countries. It was ratified by Peru in 1999. The United States was the third country in the world to ratify this convention.

It is true that we have made some modest progress in including labor protections in this Peru Free Trade Agreement. But we all know that labor protections in trade agreements mean nothing in the absence of political will to enforce them. I am also concerned that, on the very same day that the deal to include new labor provisions in the Peru FTA was announced, the president of the U.S. Chamber of Commerce said, "We are encouraged by assurances that the labor provisions cannot be read to require compliance with ILO Conventions." Clearly, this statement sends a powerful message that the labor provisions in the Peru FTA should be ignored.

Under the Peru deal, the only party that can seek enforcement of labor violations in Peru is the U.S. administration. There is no mechanism for an outside party, such as a nongovernmental organization, to bring a complaint, as exists under the GSP. This would actually take us, and the world, a step backward when it comes to protecting children. That is right. This free-trade agreement with Peru, which

replaces GSP provisions in governing trade between our two countries, will take us backward with respect to combating abusive and exploitative child labor.

Under the current U.S. GSP provisions, the President now must report to Congress annually regarding Peru's child labor practices. Under GSP, if Peru is not meeting the obligations that it undertook as a signatory to the ILO Convention 182, if it is not acting to eliminate the worst forms of child labor, then trade sanctions are imposed immediately to require enforcement in Peru of internationally recognized standards. This protects children. It also ensures that our workers will not be subjected to unfair competition from abusive and exploitative labor abroad. Unfortunately, under the Peru Free Trade Agreement, trade sanctions are not automatic.

I remind our colleagues that we voted 96 to 0 to include those protections, which I offered to GSP. It was a Harkin-Helms amendment, and it received unanimous, bipartisan support. None of us wanted to have those child labor protections undercut by our trade negotiators in an agreement with Peru or any other country but that is exactly what has happened. Now, because of fast-track rules which don't allow us to amend this legislation, we won't even be able to vote to restore the GSP protections in this agreement. If we vote for this trade agreement, we are voting to remove the protections that all of us who were here in 2000 voted to put in place.

On the matter of child labor, this Peru Free Trade Agreement takes us in the wrong direction. Abusive and exploitative child labor is wrong as a matter of principle. And it is also wrong as a practical matter. Our workers and our small businesses should not have to compete with abused and exploited child laborers abroad.

I am sorry to say that this is not an academic or rhetorical issue in the case of labor practices in Peru. Peru is far from the worst Government, even in our hemisphere, when it comes to meeting its international obligations to protect children from abusive and exploitative labor. I don't mean to single out Peru. But there is broad agreement among international observers—including our own Department of Labor, the Department of State, UNICEF and the International Labor Organization—that the problem of abusive child labor persists in that country. As many as 1.9 million Peruvian children between the ages of 6 and 17 are working rather than attending schools as they should. There are an estimated 150,000 child laborers in the capital city of Lima alone. The Government of Peru may be seeking to reduce the problem, as it should, but we should not be weakening our sole existing trade mechanism that allows us to monitor its progress. That is not the way forward for free and fair trade. And it is certainly not the way to lift

up the Peruvian economy. Abusive child labor perpetuates the cycle of poverty across generations. No country has achieved broad-based economic prosperity on the backs of working and exploited children.

Mr. President, I appreciate that improvements were made to this agreement thanks to my Democratic colleagues in the House. But this remains a flawed agreement, one that we are not allowed to correct through amendments. I was eager to support an agreement promoting freer trade with Peru, but I cannot support a flawed agreement that takes a step backward from current law.

PASSAGE OF S. 1327

Mrs. FEINSTEIN. Mr. President, I rise today to welcome the passage of S. 1327, which will reestablish temporary judgeships where needed in the district courts and extend other temporary judgeships that are about to expire.

The bill will reestablish a 10-year temporary judgeship in the Eastern District of California, where it is sorely needed. It will also reestablish a temporary judgeship in Nebraska and extend the terms of existing temporary judgeships in Hawaii, Kansas, and Ohio.

The Eastern District of California had a temporary judgeship from 1992 to 2004. At the end of that period, the caseload in the district was the second-highest in the Nation: 787 filings per judge. That was almost 50 percent more than the national average.

Still, the temporary judgeship expired in the fall of 2004 as required by law. Since then the situation in the Eastern District has grown even more dire. Average caseloads across the Nation have declined, but in the Eastern District they have increased by 18 percent.

The most recent statistics show that the Eastern District of California has the highest caseload in the country: 927 filings per judge. That is twice as many cases as the national average.

It is no exaggeration to say that the judges of the Eastern District are in desperate need of relief. They have continued to serve with distinction in the face of the crushing caseloads. Two of the court's senior judges still carry full caseloads after taking senior status. Two other senior judges are also continuing to hear cases.

In recent months, the caseload has become even more crushing with the departure of chief judge David Levi. He stepped down from the bench after 17 years of service to become the dean of the Duke University School of Law.

It is clear that the Eastern District of California needs our help to ensure that cases continue to be handled with the care, attention, and promptness that are essential to the fair administration of justice. Reestablishing the expired temporary judgeship is one way to help.

This bill is also a crucial first step toward getting California all of the

judges it needs. According to the 2007 recommendations of the Judicial Conference of the United States, California needs a total of 12 new judges—more judges than are needed in any other State in the Nation. Four of those judges are needed in the Eastern District. By adding a temporary judgeship in the Eastern District, this bill will begin to meet that need.

I am pleased to be a cosponsor of this bill and pleased that the Senate has passed it.

INTERNATIONAL VOLUNTEER DAY

Mr. FEINGOLD. Mr. President, today I am pleased to recognize the United Nations International Volunteer Day for Economic and Social Development, IVD. I strongly support international volunteering because of the mutual personal and cultural benefits it yields to both those who volunteer and those who benefit from volunteer efforts. Volunteering is one of the more meaningful ways for us to address very significant needs and develop a common understanding throughout our interconnected world.

Volunteering overseas regularly changes perspectives for the better. My constituents often share their stories about these international experiences, and I am always pleased to hear them talk about how it broadened their understanding and deepened their compassion for other cultures. Today, some of the greatest threats to our national security are based on, or feed upon, a false impression of who the American people are and what we care about. To reverse these erroneous impressions we need to share and make clear the qualities of empathy and kindness that are central to our heritage. American volunteerism abroad is not only a simple act of benevolence—an effort to improve the lives of others—but it is also one of our best resources to create greater, more meaningful interaction and common points of reference and to build strong relationships throughout the world.

Claudia from Milwaukee wrote me recently about her first international volunteer experience. She said, “I have always had a desire to travel and explore. . . . Most recently, I had the opportunity to volunteer internationally with Cross-Cultural Solutions in Lima, Peru . . . which brought out every emotion we have. While in Lima, I worked with the elderly of Villa El Salvador, many of whom are abused, neglected and in poor health. Villa El Salvador, which is outside of Lima, is a shantytown built on the sand dunes in 1970. The warmth and love felt from the people was unbelievable. I also had the opportunity to participate in home visits. Seeing how people live with very little, most with only one or two rooms, many with dirt floors and some having no indoor plumbing, makes me realize that it's not the possessions we have in life but life itself. . . . We are one world, one planet. We do need to share it as one.”

I believe every American should have the opportunity to volunteer overseas and experience firsthand, like Claudia, how crucial this kind of assistance is to building meaningful personal understanding and international relationships as well as contributing to the development of nations. For this reason, I introduced the Global Service Fellowship Act, S. 1464, which creates an international volunteer program designed to provide more opportunities for people-to-people engagement. The bill reduces two key barriers that Americans face when volunteering overseas—cost and time limitations. First, the Global Service Fellowship Act reduces financial barriers by awarding fellowships that can be applied towards airfare, housing, or program costs, to name a few examples. By providing financial assistance, the Global Service Fellowship Program opens the door for every American to be a program participant—not just those with the resources to pay for it.

Second, this bill offers flexibility in the length of time for which an individual can volunteer. I often hear from constituents who do not seek opportunities to participate in Federal volunteer programs because they cannot leave their jobs or family for years at a time. The Global Service Fellowship Program provides a commonsense approach to the time constraints of many Americans who seek volunteer opportunities by offering a timeframe that works for them—from a month up to a year.

My bill would broaden the spectrum of Federal volunteer opportunities already made available by our Government. Given the increasingly negative perception of the United States overseas, we need more support for international volunteerism now more than ever. My constituents who engage in such opportunities are proof of how we can both inform ourselves of the needs and nature of our foreign neighbors and also directly change attitudes about the United States for the better.

For these reasons, today marks a special day for me and, in particular, for my constituents who have shared with me their stories of hope and fulfillment from their international experiences. It is my wish that all of us will have these types of experiences and that this day will remind us of—and encourage us to participate in—the very meaningful opportunities and benefits offered by international volunteer initiatives.

ADDITIONAL STATEMENTS

TRIBUTE TO ED SHINODA

• Mr. AKAKA. Mr. President, I would like to commend Ed Shinoda for receiving the Organization of Chinese Americans', OCA, Asia Pacific American Corporate Achievement Award. October 19, 2007, he was recognized in Las Vegas, NV, for his work at the

United States Parcel Service, UPS, as a Pacific region manager. He has been at UPS since 1975, where he started as a part-time loader.

The OCA was founded in 1973 to advance the social, political, and economic well-being of Asian Pacific Americans. With 50 chapters across the Nation, including one in Hawaii, OCA helps citizens achieve their aspirations and improve their lives. The organization also facilitates the development of leadership and involvement in the community.

The Asia Pacific American Corporate Achievement Award was given to twelve individuals this year. This national program recognizes the achievements of Asian Pacific Americans in the corporate world, and their service to the community. Those honored were nominated by their employers, and then selected by a panel of judges.

Ed is currently the UPS Hawaii Operations Manager and is responsible for all UPS operations in Hawaii. Throughout his time at UPS, Ed has served in various leadership positions and is now one of the highest ranking Asian Pacific Americans at UPS. Ed not only works hard at UPS, but also in the community. He has participated in programs such as Neighbor-to-Neighbor, Global Volunteer Week, and the United Way campaign.

In addition to working hard and being involved in the community, Ed also supports fellow Asian Pacific American communities. He has served in organizations such as the Honolulu Japanese Chamber of Commerce, the Honolulu Chamber of Commerce, and the Hong Kong Business Association. He helped found “A Safe Place,” an organization which works with children whose parents have been incarcerated. Ed is a hard-working individual, and I wish him and his family a warm aloha and best wishes.●

HALEIWA SUPER MARKET CENTENNIAL

• Mr. AKAKA. Mr. President, I would like to take this opportunity to congratulate the Haleiwa Super Market of Haleiwa, HI, on celebrating its 100-year anniversary. The store was opened by Kasaku Sakai, a Japanese plantation contract worker, and has since been run by four generations of the Sakai family.

Since opening in 1907, the store has expanded from a small grocery store to a full service supermarket. The business has changed locations several times in order to accommodate the store's increasing size. It has provided the residents of Haleiwa town with an invaluable resource throughout its many years. For example, during WWII, the store operated by credit, and its customers were not required to pay interest on their outstanding balances. Debts were often forgiven for families that were unable to pay. Now, both tourists and locals stroll the aisles of the Haleiwa Super Market for its fresh

produce, fish, wines, and its line of Haleiwa Super Market logo items.

For 100 years, the Haleiwa store has remained a family run business. Everyone in the family has contributed to the business since the time they were young. It is now operated by Robert and Roy Sakai. They credit the success of the company to their great employees.

People continue to enjoy the Haleiwa Super Market for its friendly employees and family atmosphere. Many people have helped to keep the market a flourishing business, and although we cannot name them all, we honor them through the celebration of the centennial anniversary. Without the support and dedication of the owners, employees, and customers of the Haleiwa Super Market, the store could not have survived these 100 years.●

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

REMEMBERING BROTHER J.
STEPHEN SULLIVAN

● Mrs. CLINTON, Mr. President, on January 9, 2007, Brother J. Stephen Sullivan, Manhattan College's 17th president from 1975 to 1987, passed away at the age of 86 in Lincroft, NJ. A noted teacher, scholar, theologian, and administrator, Brother Sullivan served Manhattan College tirelessly for more than a quarter century. A champion for Catholic higher education, he was dedicated to establishing new programs, which enhanced the landscape of the college. He is credited with fully implementing the transformation of Manhattan College into a coeducational institution and ensuring the integration of women into the entire curriculum. The college had become coed just prior to Brother Sullivan's move into the president's office. Brother Sullivan touched and enriched the lives of so many, and I am pleased to ask to have the below moving tribute to the life and accomplishments of Brother Sullivan, written by Brother Luke Salm, F.S.C., a longtime professor and trustee of Manhattan College, printed in the CONGRESSIONAL RECORD.

The material follows.

THE LATE BROTHER J. STEPHEN SULLIVAN,
F.S.C., PRESIDENT, MANHATTAN COLLEGE,
BRONX, NEW YORK

"What is so rare as a day in June?" says the poet. June 25, 1920 was a rare day, indeed, that saw the birth of Jeremiah Thomas Sullivan to the delight of his parents, Bridget Quirk and John Joseph Sullivan. The child grew in wisdom, age and grace in a typical Irish Catholic family in the Boston suburbs, a family that would give to the Church not only this Christian Brother but also a Jesuit priest and a Sister of Charity. In due time, young Jeremiah attended the distinguished Boston Latin School, but after two years, contact with the Brothers in nearby Waltham was the instrument of Providence that led him to heed the divine call to become a disciple of St. John Baptist de La Salle. With joy and fervor he entered the junior class in the Barrytown, New York, juniorate in 1936. The novitiate inevitably followed, where, on

September 7, 1938, he was invested with the religious habit and given the name Brother Casimir Stephen.

In those days, the year of novitiate in Barrytown was followed by the scholasticate at De La Salle College in Washington in an extension program of The Catholic University. The scholasticate was supposed to continue the spiritual formation begun in the novitiate, while at the same time and often more successfully, providing a solid academic grounding for future assignments to classroom teaching. Brother Stephen was one of those chosen souls, lured by Brother Charles Henry, into the major in Latin and Greek that was usually reserved for the intellectual elite. Brother Stephen did very well and graduated magna cum laude and Phi Beta Kappa.

There was more to the scholasticate experience than prayer and study; manual labor and recreational activities provided humanity and balance. In the early 1940s, Brother Abdon Lewis presided over the student tailor shop where Brother Stephen was assigned to the ironing board. Monastic silence was rarely observed and duels were fought, sometimes with words, sometimes with yardsticks. In a student production of Shakespeare's Julius Caesar, Brother Stephen played the cameo role of Cicero opposite Brother Leo Chorman's Cassius. Although always willing to wax eloquent as occasion warranted, Brother Stephen never attained the oratorical eloquence for which the historical Cicero has been known through the ages. Student athletics were also much in vogue in those days, with organized leagues on Thursday afternoons and in the summers, but Brother Stephen, like most of his fellow Latin majors, such as Austin O'Malley, James Kaiser, Joseph Warganz and Luke Salm, never got beyond handball and an occasional try at the free-for-all version of basketball known as horse-O. Leo Chorman was an exception.

After four years, the carefree student days, as all good things do, came to an end. In September 1943, Brother Stephen and his classmates set forth to face the challenges of the classroom, extracurricular activities, graduate study and community life. For Brother Stephen, the venue was St. Peter's in Staten Island, where he taught mostly Latin, his major, but also, as needed, algebra, geometry, English, history and French. After school and during summers, he pursued successfully a master's degree in Latin at Manhattan College under the direction of the rigorous and relentless Brother Alban Dooley. In 1948, Brother Stephen was assigned to St. Mary's in Waltham, Massachusetts, as teacher and sub-director of the community. He was, thus, able to be close to his family and at the same time attend courses at Boston College, earning a second M.A., this time in philosophy.

With such a strong background in classical languages and philosophy, in 1953 Brother Stephen was sent back to The Catholic University to study for the doctorate in sacred theology, a program only recently made available to the Brothers. In addition to full-time study, the assignment also involved full-time teaching of the classics and theology to the scholastics and, in due time, administrative duties as pro-director and director of studies. One of his signature courses was on God, One and Three, that earned for him the nickname "God." When Brother Cornelius Luke, the Visitor General, heard of it, he was not amused. Writing under the inspired direction of Father Eugene Burke, Brother Stephen successfully defended his thesis on what the Council of Trent had to say about grace and merit, was awarded the STD degree in 1959, and then assigned to Manhattan College.

At Manhattan, Brother Stephen was an important addition to the department of theology, still in the process of becoming an academic department with a qualified and professionally active full-time faculty. Brother Stephen regularly attended the meetings of the Catholic Theological Society and the College Theology Society for which he served as treasurer from 1960 to 1970. He authored the article on merit for the New Catholic Encyclopedia and his collection of articles entitled Readings in Sacramental Theology was published by Prentice-Hall. Meanwhile Brother Abdon Lewis was nudging Brother Stephen in the direction of administration, at first having him assist in the dean's office, then urging Brother Gregory to name him academic vice president and later executive vice president and Provost. Thus, Brother Stephen became a hands-down choice to become president of the College when Brother Gregory Nugent resigned in 1975.

By that time, the student unrest of the late 1960s had pretty well quieted down, the cooperative program with the College of Mount St. Vincent was well underway, and Manhattan itself had officially gone coed, bringing and ever-increasing number of female students to the campus. In 1978, Brother Stephen presided over the celebration of the College's 125th anniversary that was followed in the next year by the construction of the Draddy Gymnasium. During his presidency, programs for teaching the handicapped were introduced, as well as an M.B.A. program and courses in professional ethics, biotechnology and computer science. In 1979, he was awarded an honorary doctorate of laws by La Salle College in Philadelphia. Determined to keep the Brothers in the forefront, he commissioned Fabian Zaccone to paint a new mural for the redos in the College chapel, which was renamed the Chapel of De La Salle and his Brothers. He had the same painter do a mural for the president's dining room depicting the successive Brother Presidents and their contributions to the College. For the tercentenary of the Institute in 1980, he sponsored a series of lectures that were then published. In addition, he made arrangements to have the shrine of St. De La Salle in St. Patrick's Cathedral re-decorated to include the newly canonized Brothers Miguel and Mutien-Marie.

Although Brother Stephen certainly enjoyed being president, not all his record breaking twelve years in that office were full of sweetness and life. There were the inevitable conflicts with administrators and faculty, and some serious problems with a declining enrollment and consequent financial strain. He had always been close to his family and in constant touch with his brother John, a Jesuit priest at Boston College, and Sister Margaret de Sales, who was then principal at Paramus Catholic High School. He felt very deeply the deaths of his mother, his older sister, and that of his brother John. In 1980, Brother Stephen suffered the first of a series of heart attacks that eventually required surgery. After having organized and financed the first session of the Buttimer Institute of Lasallian Studies, it was a disappointment for him when the facilities of the College proved inadequate and the program was moved to California. Eventually it became clear to Brother Stephen that he no longer had the energy to complete his third five-year term. On his retirement from office in 1987, more than 600 guests gathered at a banquet in the Draddy Gymnasium to honor his achievement. In that same year, the College of Mount St. Vincent honored him with the honorary doctorate in humane letters.

After leaving Manhattan College, Brother Stephen moved to Lincroft, where he took charge of the development office. He initiated an outreach program to the entire

Lasallian family, especially relatives of the Brothers and former Brothers, based on the concept of stewardship for the Lasallian tradition. "Associates in Stewardship" was a constant theme in his quarterly publication called Lasallian Notes. He took special care to celebrate the lives of the deceased Brothers and to keep in contact with their families, most notably through the annual Memorial Mass. Involved as he was in public relations for the district, Brother Stephen never lost his association with Manhattan College. He rarely missed a formal college event, alumni gathering, funeral or social occasion, traveling from Lincroft by hired limo when he could no longer drive and serving as a kind of informal public relations person for the College. When the strain of his very active retirement proved to be too much for his declining physical resources, he retired reluctantly but gracefully in 2004, at age 83, and took up residence in De La Salle Hall. There, he died peacefully on January 9, 2007.

—Luke Salm, F.S.C.●

TRIBUTE TO GEORGE TOOKER

● Mr. SANDERS. Mr. President, I wish to acknowledge the lifetime work of the artist George Tooker. Earlier this month, President Bush presented him with the National Medal of Arts, our Nation's highest and most prestigious award for artistic excellence.

George Tooker, born in New York City, is a resident of Hartland, VT. After studying English literature at Harvard and then studying painting at the Art Students League of New York, he found a world of modern possibilities in the medieval and Renaissance medium of egg tempera, helping to begin a revitalization of that technique. The choice of egg tempera gave his paintings an archaic and otherworldly feel, creating wonderfully rich juxtapositions as Tooker often used contemporary subjects and circumstances as the theme of his work. For instance, many of his paintings convey images of modernity and alienation while using colors, surface finishes, and techniques that harken back to the long tradition of art history. But they do more, of course; the reference to that long tradition of culture foregrounds the current manifestations of that culture, which George Tooker addresses as his subject.

Although some have seen elements of fantasy in his paintings, George Tooker has been explicit; he seeks not an escape into a dream world but, rather, the creation of a new approach to realism. "I am after painting reality impressed on the mind so hard that it returns as a dream, but I am not after painting dreams as such, or fantasy," he once said.

His haunting works often highlight the increased social isolation that has accompanied the pressures of modernization on everyday life. He deals with society and its very real consequences; although many of his paintings retain a magical and stylized feel, at their heart are images that have the capacity to reveal and reflect many of the deepest feelings each viewer of

Tooker's work encounters in his or her own life in the contemporary world.

I commend Mr. George Tooker for his important contributions to American art and congratulate him on receiving the National Medal of Arts. We in Vermont are proud of his accomplishment.●

RECOGNIZING MAINE MACHINE PRODUCTS COMPANY

● Ms. SNOWE. Mr. President, with tremendous enthusiasm, I recognize Maine Machine Products Company, a phenomenal small business from my home State of Maine that manufactures products for various hi-tech industries. Because of its hard work and dedication to leading its field, Maine Machine Products was recognized with the Maine Development Foundation's Champion of Economic Development Award at the Foundation's annual meeting on October 5, 2007. Headquartered in South Paris, Maine Machine Products has a history replete with innovation and success, and is a company highly deserving of such an aptly titled award.

Founded in 1956 by Roland Sutton, Maine Machine Products is a custom precision manufacturer of components and assemblies whose products are sent to global high-technology markets including those serving the defense and aerospace, telecom and fiber optic, and semiconductor markets. Located in a temperature-controlled 75,000-square-foot building in western Maine, Maine Machine Products employs roughly 150 highly skilled workers who consistently produce products of the finest quality for these vital industries. Always seeking to be on the cutting edge of technology, Maine Machine Products earlier this year began working with the Mazak Integrex e-Series, which is the most advanced multitasking machine in custom precision manufacturing. The machine allows the company to complete all operations, such as turning, boring, and drilling, in a single setup, increasing productivity and efficiency. Additionally, the firm has upgraded its Clean Room, where it tests and finishes semiconductor equipment, by expanding it and making other improvements.

More than merely adding to its existing infrastructure, Maine Machine Products has made significant contributions to both its employees and the western Maine community. Two programs, in particular, demonstrate the attention that the company pays to its workers and aspiring manufacturing personnel. First, Maine Machine Products makes use of the machine operators skills training grant, MOST, program, that assists firms with the training of their computer numerical control, or CNC, operators. In addition, the program attempts to fill open CNC positions with nontraditional workers by training individuals and matching them with employers. In MOST's inaugural season, 52 incumbent Maine Ma-

chine Products employees received training through the program, and the company hired 6 new employees who participated.

Through a second program, Maine Machine Products gives scholarships to students who are enrolled in the Machine Tool Program at Central Maine Community College based in Auburn. Since its inception in 1974, Maine Machine Products' scholarship program has sponsored 47 scholarships. The program provides a work-study program to students who qualify, and—most fittingly—many graduates of the scholarship program are presently employed at Maine Machine Products.

Maine Machine Products has filled a specific niche in the precision custom manufacturing industry for over five decades, and it continues to be a market leader. With measured expansion and sustained growth throughout the years, Maine Machine Products has excelled in a highly technical and competitive field. I wish everyone at Maine Machine Products continued success and growth in the years to come.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mrs. Neiman, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

ENROLLED BILL SIGNED

At 12:37 p.m., a message from the House of Representatives, delivered by Mr. Hanrahan, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 1429. An act to reauthorize the Head Start Act, to improve program quality, to expand access, and for other purposes.

At 2:43 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House disagrees to the amendment of the Senate to the bill (H.R. 2082) to authorize appropriations for fiscal year 2008 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes; it agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and appoints the following Members as managers of the conference on the part of the House:

From the Permanent Select Committee on Intelligence, for consideration of the House bill and the Senate amendment, and modifications committed to conference: Messrs. REYES, HASTINGS of Florida, BOSWELL, CRAMER, Ms. ESHOO, Messrs. HOLT, RUPPERSBERGER, TIERNEY, THOMPSON of California, Ms. SCHAKOWSKY, Messrs. LANGEVIN, PATRICK J. MURPHY of Pennsylvania, HOEKSTRA, EVERETT, GALLEGLY, Mrs. WILSON of New Mexico, Messrs. THORNBERRY, MCHUGH, TIAHRT, ROGERS of Michigan, and ISSA.

From the Committee on Armed Services, for consideration of defense tactical intelligence and related activities: Messrs. SKELTON, SPRATT, and HUNTER.

The message also announced that the House agrees to the amendment of the Senate to the bill (H.R. 710) to amend the National Organ Transplant Act to provide that criminal penalties do not apply to paired donations of human kidneys, and for other purposes; with an amendment, in which it requests the concurrence of the Senate.

The message further announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1662. An act to authorize the Secretary of the Interior to seek limited reimbursement for site security activities, and for other purposes.

H.R. 2246. To provide for the release of any reversionary interest of the United States in and to certain lands in Reno, Nevada.

H.R. 3887. An act to authorize appropriations for fiscal years 2008 through 2011 for the Trafficking Victims Protection Act of 2000, to enhance measures to combat trafficking in persons, and for other persons.

H.R. 3998. An act to authorize the Secretary of the Interior to conduct special resources studies of certain lands and structures to determine the appropriate means for preservation, use, and management of the resources associated with such lands and structures.

H.R. 4118. An act to exclude from gross income payments from the Hokie Spirit Memorial Fund to the victims of the tragic event at Virginia Polytechnic Institute & State University.

At 3:42 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bill, with an amendment, in which it requests the concurrence of the Senate:

S. 2371. An act to amend the Higher Education Act of 1965 to make technical corrections.

The message also announced that the House disagrees to the amendment of the Senate to the bill (H.R. 1585) to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; it agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and appoints the following Members as managers of the conference on the part of the House:

From the Committee on Armed Services, for consideration of the House bill and the Senate amendment, and modifications committed to conference: Messrs. SKELTON, SPRATT, ORTIZ, TAYLOR, ABERCROMBIE, REYES, SNYDER, SMITH of Washington, Ms. LORETTA SANCHEZ of California, Mr. MCINTYRE, Mrs. TAUSCHER, Messrs. BRADY of Pennsylvania, ANDREWS, Mrs. DAVIS of California, Messrs. LARSEN of Washington, COOPER, MARSHALL, Ms. BORDALLO, Messrs. UDALL of Colorado, HUNTER, SAXTON, MCHUGH, EVERETT, BARTLETT of Maryland, MCKEON, THORNBERRY, JONES of North Carolina, HAYES, AKIN, FORBES, WILSON of South Carolina, TURNER, KLINE of Minnesota, and Mrs. DRAKE.

From the Permanent Select Committee on Intelligence, for consideration of matters within the jurisdiction of that committee under clause 11 of rule X: Mr. BOSWELL, Mr. PATRICK J. MURPHY of Pennsylvania, and Mr. HOEKSTRA.

From the Committee on Education and Labor, for consideration of sections 561, 562, 675, 953, and 3118 of the House bill, and sections 561, 562, 564, 565, and 3137 of the Senate amendment, and modifications committed to conference: Mr. GEORGE MILLER of California, Mr. COURTNEY, and Mr. WALBERG.

From the Committee on Energy and Commerce, for consideration of sections 311-313 and 1082 of the Senate amendment, and modifications committed to conference: Mr. DINGELL, Mr. WYNN, and Mr. BARTON of Texas.

From the Committee on Foreign Affairs, for consideration of sections 831, 833, 1022, 1201, 1203, 1204, 1206-1208, 1221, 1222, 1231, 1241, 1242, title XIII, and section 3117 of the House bill, and sections 871, 934, 1011, 1201-1203, 1205, 1211, 1212, 1214, 1215, 1217, 1219, 1232, title XIII, sections 1511, 1512, 1532, 1533, 1539-1542, 1571, 1574-1576, 1579, 3134, and 3139 of the Senate amendment, and modifications committed to conference: Mr. LANTOS, Mr. ACKERMAN, and Ms. ROS-LEHTINEN.

From the Committee on Homeland Security, for consideration of section 1076 of the Senate amendment, and modifications committed to conference: Mr. THOMPSON of Mississippi, Mr. CARNEY, and Mr. DANIEL E. LUNGREN of California.

From the Committee on the Judiciary, for consideration of sections 582, 672, 673, and 850 of the House bill, and sections 824, 1023, 1024, 1078, 1087, 1571-1574, 1576, 1577, 1579, and title LII of the Senate amendment, and modifications committed to conference: Mr. CONYERS, Mr. BERMAN, and Mr. SMITH of Texas.

From the Committee on Oversight and Government Reform, for consideration of sections 325, 326, 328-330, 604, 653, 674, 801, 802, 814, 815, 821-824, 1101-1112, 1221, 1231, and 1451 of the House bill, and sections 366-370, 603, 684, 821, 823, 842, 845, 846, 871, 902, 937, 1064, 1069, 1074, 1093, 1101-1106, 1108, 1540, 1542, and 2851 of the Senate amendment, and modifications committed to con-

ference: Mr. WAXMAN, Mr. TOWNS, and Mr. DAVIS of Virginia.

From the Committee on Science and Technology, for consideration of sections 846, 1085, and 1088 of the Senate amendment, and modifications committed to conference: Mr. GORDON of Tennessee, Ms. GIFFORDS, and Mr. EHLERS.

From the Committee on Small Business, for consideration of sections 828, 1085, 1088, 4001, 4002, 4101-4103, 4201-4203, and 4301-4305 of the Senate amendment, and modifications committed to conference: Ms. VELÁZQUEZ, Mr. ALTMIRE, and Mr. CHABOT.

From the Committee on Transportation and Infrastructure, for consideration of sections 523 and 1048 of the House bill, and sections 311-313, 353, 1070, 2853, 2855, 2863, 5101, 5202, and 5208 of the Senate amendment, and modifications committed to conference: Mr. OBERSTAR, Mr. COSTELLO, and Mr. GRAVES.

From the Committee on Veterans Affairs, for consideration of sections 525, 1421, 1433, and 1453 of the House bill, and sections 701, 710, 1084, 1611, 1612, 1621, 1626, 1634, 1641, 1654, 1662, and 1702-1712 of the Senate amendment, and modifications committed to conference: Mr. FILNER, Mr. MICHAUD, and Mr. BUYER.

From the Committee on Ways and Means, for consideration of section 536 of the Senate amendment, and modifications committed to conference: Mr. RANGEL, Mr. STARK, and Mr. CAMP of Michigan.

At 6:12 p.m., a message from the House of Representatives, delivered by Mr. Hanrahan, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 2517. An act to amend the Missing Children's Assistance Act to authorize appropriations; and for other purposes.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 1662. An act to authorize the Secretary of the Interior to seek limited reimbursement for site security activities, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 2246. An act to provide for the release of any reversionary interest of the United States in and to certain lands in Reno, Nevada; to the Committee on Energy and Natural Resources.

H.R. 3887. An act to authorize appropriations for fiscal years 2008 through 2011 for the Trafficking Victims Protection Act of 2000, to enhance measures to combat trafficking in persons, and for other purposes; to the Committee on the Judiciary.

H.R. 3998. An act to authorize the Secretary of the Interior to conduct special resources studies of certain lands and structures to determine the appropriate means for preservation, use, and management of the resources associated with such lands and structures; to the Committee on Energy and Natural Resources.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

S. 2416. A bill to amend the Internal Revenue Code of 1986 to repeal the alternative minimum tax on individuals and replace it with an alternative tax individuals may choose.

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-4082. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to U.S. military personnel and civilian contractors involved in the anti-narcotics campaign in Colombia; to the Committee on Foreign Relations.

EC-4083. 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 2007-235-2007-264); to the Committee on Foreign Relations.

EC-4084. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a proposed agreement for the export of defense articles to the United Kingdom to support the maintenance, repair and modification services for the C-130J and C-130K Aircraft; to the Committee on Foreign Relations.

EC-4085. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a proposed amendment to a manufacturing agreement relative to the export of defense services to Russia for the RD-180 Liquid Propellant Rocket Engine Program; to the Committee on Foreign Relations.

EC-4086. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a proposed agreement for the export of defense services to Saudi Arabia for the operation and maintenance of the Saudi Air Defense Forces HAWK and PATRIOT Air Defense Missile Systems; to the Committee on Foreign Relations.

EC-4087. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a proposed manufacturing license agreement involving the export of technical data to France for the initial development and subsequent manufacture of Complimentary Metal Oxide Semiconductor Application Specific Integrated Circuits; to the Committee on Foreign Relations.

EC-4088. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a proposed agreement for the export of defense articles to Israel for the manufacture of certain Alternate Mission Equipment; to the Committee on Foreign Relations.

EC-4089. 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 two commercial communications satellites to international waters for launch under the Sea Launch program or to Russia and Kazakhstan for launch; to the Committee on Foreign Relations.

EC-4090. 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 defense articles relative to a commercial communications satellite; to the Committee on Foreign Relations.

EC-4091. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report of a petition that was filed on behalf of workers from the Nuclear Materials and Equipment Corporation in Apollo, Pennsylvania, to be added to the Special Exposure Cohort; to the Committee on Health, Education, Labor, and Pensions.

EC-4092. A communication from the Assistant Secretary, Employee Benefits Security Administration, Department of Labor, transmitting, pursuant to law, the report of a rule entitled "Annual Reporting and Disclosure" (RIN1210-AB06) received on November 20, 2007; to the Committee on Health, Education, Labor, and Pensions.

EC-4093. A communication from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Applications for Food and Drug Administration Application Approval to Market a New Drug; Revision of Postmarketing Reporting Requirements" (Docket No. 2000N-1545) received on November 20, 2007; to the Committee on Health, Education, Labor, and Pensions.

EC-4094. A communication from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medical Devices; General Hospital and Personal Use Devices; Classification of Remote Medication Management System" (Docket No. 2007N-0328) received on November 20, 2007; to the Committee on Health, Education, Labor, and Pensions.

EC-4095. A communication from the White House Liaison, Department of Health and Human Services, transmitting, pursuant to law, the report of a vacancy, nomination, and designation of an acting officer for the position of Assistant Secretary for Public Affairs, received on November 20, 2007; to the Committee on Health, Education, Labor, and Pensions.

EC-4096. A communication from the White House Liaison, Department of Health and Human Services, transmitting, pursuant to law, the report of action on a nomination for the position of Deputy Secretary, received on November 20, 2007; to the Committee on Health, Education, Labor, and Pensions.

EC-4097. A communication from the Director of the Peace Corps, transmitting, pursuant to law, the Corps' Performance and Accountability Report for fiscal year 2007; to the Committee on Homeland Security and Governmental Affairs.

EC-4098. A communication from the Director, Office of Personnel Management, transmitting, pursuant to law, the Semiannual Report of the Inspector General for the period of April 1, 2007, to September 30, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC-4099. A communication from the Secretary of Homeland Security, transmitting, pursuant to law, the Department's annual financial report for fiscal year 2007; to the Committee on Homeland Security and Governmental Affairs.

EC-4100. A communication from the Acting Secretary of Veterans Affairs, transmitting, pursuant to law, the semiannual report of the Inspector General for the period of April 1, 2007, through September 30, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC-4101. A communication from the Chairman, Railroad Retirement Board, transmitting, pursuant to law, the Semiannual Report of the Inspector General for the period of April 1, 2007, through September 30, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC-4102. A communication from the Director, Institute of Museum and Library Services, transmitting, pursuant to law, the agency's Performance and Accountability Report for fiscal year 2007; to the Committee on Homeland Security and Governmental Affairs.

EC-4103. A communication from the Chairman and Chief Executive Officer, Farm Credit Administration, transmitting, pursuant to law, the Semiannual Report of the Administration's Inspector General for the period of April 1, 2007, through September 30, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC-4104. A communication from the Attorney General, transmitting, pursuant to law, the Department's Performance and Accountability Report for fiscal year 2007; to the Committee on Homeland Security and Governmental Affairs.

EC-4105. A communication from the Acting Director, U.S. Trade and Development Agency, transmitting, pursuant to law, the Agency's Performance and Accountability Report for fiscal year 2007; to the Committee on Homeland Security and Governmental Affairs.

EC-4106. A communication from the Chief Acquisition Officer, General Services Administration, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Federal Acquisition Regulation; Federal Acquisition Circular 2005-21" (FAC 2005-21) received on November 16, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC-4107. A communication from the Archivist of the United States, transmitting, pursuant to law, the Organization's Performance and Accountability Report for fiscal year 2007; to the Committee on Homeland Security and Governmental Affairs.

EC-4108. A communication from the Executive Director, Federal Retirement Thrift Investment Board, transmitting, pursuant to law, the eight audit reports issued during fiscal year 2007 relative to the Agency and the Thrift Savings Plan; to the Committee on Homeland Security and Governmental Affairs.

EC-4109. A communication from the Secretary of Labor, transmitting, pursuant to law, the Department's Semiannual Report of the Inspector General for the period of April 1, 2007, through September 30, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC-4110. A communication from the Director, Center for Pay and Leave Administration, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled "Recruitment, Relocation, and Retention Incentives" (RIN3206-AK81) received on November 30, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC-4111. A communication from the Staff Director, U.S. Commission on Civil Rights, 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-4112. A communication from the Chairman, Broadcasting Board of Governors, transmitting, pursuant to law, the Board's Performance and Accountability Report for fiscal year 2007; to the Committee on Homeland Security and Governmental Affairs.

EC-4113. A communication from the Chairman, Board of Governors, Federal Reserve

System, transmitting, pursuant to law, the Semiannual Report of the Board's Inspector General for the six-month period ending September 30, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC-4114. A communication from the Director, Office of Personnel Management, transmitting, pursuant to law, a report entitled "Employment of Veterans in the Federal Government—Fiscal Year 2006"; to the Committee on Homeland Security and Governmental Affairs.

EC-4115. A communication from the Secretary of Energy, transmitting, pursuant to law, the Semiannual Report of the Department's Inspector General for the period of April 1, 2007, through September 30, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC-4116. A communication from the Chairman, Federal Trade Commission, transmitting, pursuant to law, the Semiannual Report of the Commission's Inspector General for the period of April 1, 2007, through September 30, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC-4117. A communication from the Secretary of Transportation, transmitting, pursuant to law, the Department's Performance and Accountability Report for fiscal year 2007; to the Committee on Homeland Security and Governmental Affairs.

EC-4118. A communication from the Chairman, Board of Governors, U.S. Postal Service, transmitting, pursuant to law, the Semiannual Report of the Service's Inspector General for the period of April 1, 2007, through September 30, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC-4119. A communication from the Special Counsel, transmitting, pursuant to law, the Office's Performance and Accountability Report for fiscal year 2007; to the Committee on Homeland Security and Governmental Affairs.

EC-4120. A communication from the President of the United States, transmitting, pursuant to law, an alternative plan for locality pay increases payable to civilian Federal employees covered by the General Schedule; to the Committee on Homeland Security and Governmental Affairs.

EC-4121. A communication from the Board Members, Railroad Retirement Board, transmitting, pursuant to law, the Board's Performance and Accountability Report for fiscal year 2007; to the Committee on Homeland Security and Governmental Affairs.

EC-4122. A communication from the White House Liaison, Department of Justice, transmitting, pursuant to law, the report of a vacancy and designation of an acting officer for the position of United States Attorney for the Middle District of Pennsylvania, received on November 16, 2007; to the Committee on the Judiciary.

EC-4123. A communication from the White House Liaison, Department of Veterans Affairs, transmitting, pursuant to law, the report of action on a nomination for the position of General Counsel, received on November 16, 2007; to the Committee on Veterans' Affairs.

EC-4124. A communication from the White House Liaison, Department of Justice, transmitting, pursuant to law, the report of a change in previously submitted reported information and discontinuation of service in an acting role for the position of United States Attorney, received on November 20, 2007; to the Committee on the Judiciary.

EC-4125. A communication from the Principal Deputy Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, a report relative to the Department's activities under the Civil Rights of Institutionalized

Persons Act; to the Committee on the Judiciary.

EC-4126. A communication from the Director of Regulations Management, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled "Transfer of Duties of Former VA Board of Contract Appeals" (RIN2900-AM73) received on November 20, 2007; to the Committee on Veterans' Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. INOUE, from the Committee on Commerce, Science, and Transportation, with an amendment in the nature of a substitute:

S. 704. A bill to amend the Communications Act of 1934 to prohibit manipulation of caller identification information (Rept. No. 110-234).

By Mr. INOUE, from the Committee on Commerce, Science, and Transportation, with amendments:

S. 1178. A bill to strengthen data protection and safeguards, require data breach notification, and further prevent identity theft (Rept. No. 110-235).

By Mr. INOUE, from the Committee on Commerce, Science, and Transportation, without amendment:

S. 1780. A bill to require the FCC, in enforcing its regulations concerning the broadcast of indecent programming, to maintain a policy that a single word or image may be considered indecent (Rept. No. 110-236).

By Mr. KENNEDY, from the Committee on Health, Education, Labor, and Pensions, with an amendment in the nature of a substitute:

S. 1858. A bill to amend the Public Health Service Act to establish grant programs to provide for education and outreach on newborn screening and coordinated followup care once newborn screening has been conducted, to reauthorize programs under part A of title XI of such Act, and for other purposes.

By Mr. INOUE, from the Committee on Commerce, Science, and Transportation, with an amendment in the nature of a substitute:

S. 2045. A bill to reform the Consumer Product Safety Commission to provide greater protection for children's products, to improve the screening of noncompliant consumer products, to improve the effectiveness of consumer product recall programs, and for other purposes.

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. KERRY (for himself, Mr. ENSIGN, Ms. STABENOW, and Mr. MARTINEZ):

S. 2408. A bill to amend title XVIII of the Social Security Act to require physician utilization of the Medicare electronic prescription drug program; to the Committee on Finance.

By Mr. DEMINT (for himself, Mr. ENZI, and Mr. VITTER):

S. 2409. A bill to direct the Architect of the Capitol to ensure that the Pledge of Allegiance to the Flag and the national motto "In God We Trust" are each displayed prominently in the Capitol Visitor Center on a permanent basis and to prohibit the Architect from removing or refusing to include lan-

guage or other content from exhibits and materials relating to the Capitol Visitor Center on the grounds that the language or content includes a religious reference or Judeo-Christian content; to the Committee on Rules and Administration.

By Mr. KYL (for himself and Mr. SUNUNU):

S. 2410. A bill to require the Federal Communications Commission to either grant or deny a Petition for Reconsideration within 1 year after such Petition is first submitted; to the Committee on Commerce, Science, and Transportation.

By Mr. WYDEN (for himself and Mr. OBAMA):

S. 2411. A bill to require the establishment of a credit card safety star rating system for the benefit of consumers, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. FEINGOLD (for himself, Ms. COLLINS, Mr. OBAMA, Mr. DURBIN, Mrs. CLINTON, Mr. BIDEN, Mr. DODD, and Mr. KERRY):

S. 2412. A bill to amend the Internal Revenue Code of 1986 to reform the system of public financing for Presidential elections, and for other purposes; to the Committee on Finance.

By Mr. ENZI (for himself and Mrs. FEINSTEIN):

S. 2413. A bill to provide death and disability benefits for aerial firefighters who work on a contract basis for a public agency and suffer death or disability in the line of duty, and for other purposes; to the Committee on the Judiciary.

By Mr. ENSIGN (for himself, Mr. GREGG, Mr. COBURN, Mr. GRAHAM, Mr. CORNER, Mr. DEMINT, Mr. BUNNING, and Mr. ENZI):

S. 2414. A bill to amend title XVIII of the Social Security Act to require wealthy beneficiaries to pay a greater share of their premiums under the Medicare prescription drug program; to the Committee on Finance.

By Mr. REID (for Mrs. CLINTON):

S. 2415. A bill to require the President and the Office of the Global AIDS Coordinator to establish a comprehensive and integrated HIV prevention strategy to address the vulnerabilities of women and girls in countries for which the United States provides assistance to combat HIV/AIDS, and for other purposes; to the Committee on Foreign Relations.

By Mr. DEMINT:

S. 2416. A bill to amend the Internal Revenue Code of 1986 to repeal the alternative minimum tax on individuals and replace it with an alternative tax individuals may choose; read the first time.

By Mr. BROWNBACK (for himself and Mr. BYRD):

S. 2417. A bill to amend title 31, United States Code, to require the inscription "In God We Trust" to appear on a face of the \$1 coins honoring each of the Presidents of the United States; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. CASEY (for himself, Mr. GRASSLEY, and Mrs. FEINSTEIN):

S. 2418. A bill to ensure the safety of imported food products for the citizens of the United States, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. CRAPO (for himself, Mrs. CLINTON, Mr. LIEBERMAN, Ms. MURKOWSKI, and Mr. BIDEN):

S. Res. 388. A resolution designating the week of February 4 through February 8, 2008, as "National Teen Dating Violence Awareness and Prevention Week"; to the Committee on the Judiciary.

By Mr. ALLARD (for himself, Mr. SALAZAR, Mr. TESTER, Mr. ISAKSON, Ms. COLLINS, Mrs. HUTCHISON, Mr. COCHRAN, Mr. HAGEL, Mr. CONRAD, Mr. DORGAN, Mr. DOMENICI, Mr. HATCH, Mr. CHAMBLISS, Mr. INHOFE, and Mrs. FEINSTEIN):

S. Res. 389. A resolution commemorating the 25th Anniversary of the United States Air Force Space Command headquartered at Peterson Air Force Base, Colorado; to the Committee on Armed Services.

ADDITIONAL COSPONSORS

S. 65

At the request of Mr. INHOFE, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 65, a bill to modify the age-60 standard for certain pilots and for other purposes.

S. 400

At the request of Mr. SUNUNU, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 400, a bill to amend the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 to ensure that dependent students who take a medically necessary leave of absence do not lose health insurance coverage, and for other purposes.

S. 453

At the request of Mr. LAUTENBERG, his name was added as a cosponsor of S. 453, a bill to prohibit deceptive practices in Federal elections.

S. 458

At the request of Mrs. LINCOLN, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 458, a bill to amend title XVIII of the Social Security Act to provide for the treatment of certain physician pathology services under the Medicare program.

S. 522

At the request of Mr. BAYH, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of S. 522, a bill to safeguard the economic health of the United States and the health and safety of the United States citizens by improving the management, coordination, and effectiveness of domestic and international intellectual property rights enforcement, and for other purposes.

S. 561

At the request of Mr. BUNNING, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 561, a bill to repeal the sunset of the Economic Growth and Tax Relief Reconciliation Act of 2001 with respect to the expansion of the adoption credit and adoption assistance programs.

S. 602

At the request of Mr. PRYOR, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 602, a bill to develop the

next generation of parental control technology.

S. 661

At the request of Mr. AKAKA, his name was added as a cosponsor of S. 661, a bill to establish kinship navigator programs, to establish guardianship assistance payments for children, and for other purposes.

S. 694

At the request of Mrs. MCCASKILL, her name was added as a cosponsor of S. 694, a bill to direct the Secretary of Transportation to issue regulations to reduce the incidence of child injury and death occurring inside or outside of light motor vehicles, and for other purposes.

S. 814

At the request of Mr. SPECTER, the name of the Senator from Florida (Mr. MARTINEZ) was added as a cosponsor of S. 814, a bill to amend the Internal Revenue Code of 1986 to allow the deduction of attorney-advanced expenses and court costs in contingency fee cases.

S. 827

At the request of Mr. KERRY, the name of the Senator from New Hampshire (Mr. SUNUNU) was added as a cosponsor of S. 827, a bill to establish the Freedom's Way National Heritage Area in the States of Massachusetts and New Hampshire, and for other purposes.

S. 884

At the request of Mr. DURBIN, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 884, a bill to amend the Public Health Service Act regarding residential treatment programs for pregnant and parenting women, a program to reduce substance abuse among nonviolent offenders, and for other purposes.

S. 910

At the request of Mr. KENNEDY, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 910, a bill to provide for paid sick leave to ensure that Americans can address their own health needs and the health needs of their families.

S. 972

At the request of Mr. LAUTENBERG, the name of the Senator from Illinois (Mr. OBAMA) was added as a cosponsor of S. 972, a bill to provide for the reduction of adolescent pregnancy, HIV rates, and other sexually transmitted diseases, and for other purposes.

S. 1019

At the request of Mr. COBURN, the name of the Senator from Idaho (Mr. CRAIG) was added as a cosponsor of S. 1019, a bill to provide comprehensive reform of the health care system of the United States, and for other purposes.

S. 1395

At the request of Mr. LEVIN, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 1395, a bill to prevent unfair practices

in credit card accounts, and for other purposes.

S. 1430

At the request of Mr. BROWNBACK, the names of the Senator from Kansas (Mr. ROBERTS) and the Senator from North Carolina (Mrs. DOLE) were added as cosponsors of S. 1430, a bill to authorize State and local governments to direct divestiture from, and prevent investment in, companies with investments of \$20,000,000 or more in Iran's energy sector, and for other purposes.

S. 1512

At the request of Mrs. BOXER, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 1512, a bill to amend part E of title IV of the Social Security Act to expand Federal eligibility for children in foster care who have attained age 18.

S. 1551

At the request of Mr. BROWN, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 1551, a bill to amend the Public Health Service Act with respect to making progress toward the goal of eliminating tuberculosis, and for other purposes.

S. 1731

At the request of Mr. CORNYN, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 1731, a bill to provide for the continuing review of unauthorized Federal programs and agencies and to establish a bipartisan commission for the purposes of improving oversight and eliminating wasteful Government spending.

S. 1910

At the request of Mr. REED, the names of the Senator from Maryland (Mr. CARDIN) and the Senator from Oregon (Mr. WYDEN) were added as cosponsors of S. 1910, a bill to amend the Internal Revenue Code of 1986 to provide that amounts derived from Federal grants and State matching funds in connection with revolving funds established in accordance with the Federal Water Pollution Control Act and the Safe Drinking Water Act will not be treated as proceeds or replacement proceeds for purposes of section 148 of such Code.

S. 1951

At the request of Mr. BAUCUS, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 1951, a bill to amend title XIX of the Social Security Act to ensure that individuals eligible for medical assistance under the Medicaid program continue to have access to prescription drugs, and for other purposes.

S. 1958

At the request of Mr. CONRAD, the name of the Senator from Florida (Mr. MARTINEZ) 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. 2056

At the request of Mr. ROCKEFELLER, the name of the Senator from California (Mrs. FEINSTEIN) 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 name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor 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. 2071

At the request of Mrs. FEINSTEIN, the names of the Senator from Oregon (Mr. WYDEN) and the Senator from West Virginia (Mr. BYRD) were added as cosponsors of S. 2071, a bill to enhance the ability to combat methamphetamine.

S. 2088

At the request of Mr. FEINGOLD, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 2088, a bill to place reasonable limitations on the use of National Security Letters, and for other purposes.

S. 2129

At the request of Mr. DORGAN, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 2129, a bill to amend the Internal Revenue Code of 1986 to establish the infrastructure foundation for the hydrogen economy, and for other purposes.

S. 2133

At the request of Mr. SPECTER, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 2133, a bill to authorize bankruptcy courts to take certain actions with respect to mortgage loans in bankruptcy, and for other purposes.

S. 2140

At the request of Mr. DORGAN, the names of the Senator from Iowa (Mr. HARKIN), the Senator from Delaware (Mr. CARPER) and the Senator from North Dakota (Mr. CONRAD) were added as cosponsors of S. 2140, a bill to award a Congressional Gold Medal to Francis Collins, in recognition of his outstanding contributions and leadership in the fields of medicine and genetics.

S. 2209

At the request of Mr. HATCH, the name of the Senator from Nevada (Mr. ENSIGN) was added as a cosponsor 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. 2279

At the request of Ms. MIKULSKI, her name was added as a cosponsor of S. 2279, a bill to combat international violence against women and girls.

S. 2307

At the request of Mr. KERRY, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 2307, a bill to amend the Global Change Research Act of 1990, and for other purposes.

S. 2332

At the request of Mr. DORGAN, the names of the Senator from Missouri (Mrs. MCCASKILL) and the Senator from Pennsylvania (Mr. CASEY) were added as cosponsors of S. 2332, a bill to promote transparency in the adoption of new media ownership rules by the Federal Communications Commission, and to establish an independent panel to make recommendations on how to increase the representation of women and minorities in broadcast media ownership.

S. 2334

At the request of Mr. BARRASSO, the name of the Senator from Nevada (Mr. ENSIGN) was added as a cosponsor of S. 2334, a bill to withhold 10 percent of the Federal funding apportioned for highway construction and maintenance from States that issue driver's licenses to individuals without verifying the legal status of such individuals.

S. 2344

At the request of Mr. MENENDEZ, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 2344, a bill to create a competitive grant program to provide for age-appropriate Internet education for children.

S. 2347

At the request of Mr. LAUTENBERG, his name was added as a cosponsor of S. 2347, a bill to restore and protect access to discount drug prices for university-based and safety-net clinics.

S. 2355

At the request of Ms. CANTWELL, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 2355, a bill to amend the National Climate Program Act to enhance the ability of the United States to develop and implement climate change adaptation programs and policies, and for other purposes.

S. 2356

At the request of Mr. COLEMAN, the name of the Senator from Colorado (Mr. ALLARD) 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. 2372

At the request of Mr. SMITH, the name of the Senator from South Carolina (Mr. DEMINT) was added as a cosponsor of S. 2372, a bill to amend the Harmonized Tariff Schedule of the United States to modify the tariffs on certain footwear.

S. 2400

At the request of Mr. SESSIONS, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 2400, a bill to amend title 37, United

States Code, to require the Secretary of Defense to continue to pay to a member of the Armed Forces who is retired or separated from the Armed Forces due to a combat-related injury certain bonuses that the member was entitled to before the retirement or separation and would continue to be entitled to if the member was not retired or separated, and for other purposes.

S.J. RES. 22

At the request of Mr. BAUCUS, the names of the Senator from Washington (Mrs. MURRAY), the Senator from Virginia (Mr. WEBB), and the Senator from Montana (Mr. TESTER) were added as cosponsors 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.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. KERRY (for himself, Mr. ENSIGN, Ms. STABENOW, and Mr. MARTINEZ):

S. 2408. A bill to amend title XVIII of the Social Security Act to require physician utilization of the Medicare electronic prescription drug program; to the Committee on Finance.

Mr. KERRY. Mr. President, seven thousand Americans die every year because of preventable adverse drug events. Tens of thousands of more are injured. Meanwhile, of the three billion prescriptions that are written each year, doctors report that nearly one billion of them required a followup for clarity, costing our health care system billions of dollars a year. That is why I am pleased to join my colleagues Senator ENSIGN, Senator STABENOW and Senator MARTINEZ to introduce critical legislation to help bring our health care system into the 21st century through electronic prescribing, e-prescribing, of medications in the Medicare program.

The benefits of e-prescribing are clear and compelling. When a doctor "writes" an electronic prescription, a computer or handheld device warns of potentially dangerous interactions or allergies or informs a physician whether a particular drug is covered by a patient's insurance. It also tells the physician whether a chemically identical generic alternative is available at a fraction of the price. The path to a more modern, accountable health care system starts with health information technology. The path to robust health information technology starts with e-prescribing.

This legislation would provide permanent funding for physician payment bonuses in Medicare to help offset the costs of acquiring e-prescribing systems and to incentivize the use of the

technology. The bill would also require all physicians in Medicare to use e-prescribing starting in 2011—1 year later than the Institute of Medicine recommended in their recent study. We have talked long enough about using technology to stem perpetually rising health care costs and poor quality, and our legislation takes an important step to do something about it.

I want to give particular credit to Mark Merritt and his team at Pharmaceutical Care Management Association, PCMA, for their hard work and leadership. PCMA is responsible for a seminal study in this field, which showed for the first time that broader adoption of e-prescribing will not only save lives, but will also save billions of dollars for patients, payers and taxpayers alike. Perhaps most importantly, PCMA created a strong and diverse coalition of health care stakeholders to advocate for this legislation, including business, labor, consumer advocates, physicians, health plans, pharmacists, and drug manufacturers. The PCMA-led coalition has worked diligently on Capitol Hill in support of this important issue. They have educated Congress on e-prescribing and are helping to make sure that we get the policy right.

The Medicare E-MEDS Act gets it right. The standards and interoperability for e-prescribing are in place; the technology is affordable; and, most importantly, the dramatic benefits for patients and health care purchasers—especially the Federal Government—are overwhelmingly clear. This bill is a solid step towards addressing these important issues in the delivery of our Nation's health care. It is time that Congress act to save lives and increase efficiency in America's health care system.

Mr. President, I ask for 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. 2408

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 "Medicare Electronic Medication and Safety Protection (E-MEDS) Act of 2007".

SEC. 2. FINDINGS.

Congress finds the following:

(1) Patient safety is an important issue and a priority among patients, providers, insurers, businesses, and government entities alike.

(2) Adverse drug events are defined by the Institute of Medicine as "any injury due to medication".

(3) According to the Institute of Medicine, more than 1.5 million preventable adverse drug events occur every year in the United States.

(4) Studies indicate that at least 530,000 preventable adverse drug events occur each year among the Medicare population, and cost the Federal Government upwards of \$887,000,000, or \$1,983 per person.

(5) Electronic prescription drug programs, or e-prescribing, provide for the electronic

transmittal of prescription information from the prescribing health care provider to the dispensing pharmacy and pharmacist.

(6) Electronic prescribing provides formulary and coverage information before a prescription is written to better inform the patient and prescriber of lower cost options, including generics.

(7) E-prescribing can help to eliminate medical errors, injuries, hospitalizations, and even death that can result from illegible prescriptions and bad drug interactions, in addition to reducing patient medication non-adherence.

(8) The Institute of Medicine recommends that all physicians create a plan to implement and use e-prescribing technology by 2010.

SEC. 3. INCENTIVES FOR USE OF E-PRESCRIBING UNDER MEDICARE.

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

“(v) INCENTIVE PAYMENTS FOR PHYSICIAN USE OF E-PRESCRIBING.—

“(1) ONE-TIME BONUS FOR START-UP COSTS.—

“(A) IN GENERAL.—If the Secretary determines, based upon coding in claims submitted under this part over a duration specified by the Secretary, that a physician meets a threshold volume or proportion (as specified by the Secretary) of claims for physicians' services for individuals enrolled under this part that—

“(i) are classified (under section 1848) as evaluation and management services;

“(ii) include the making of a prescription that could under law be made using the electronic prescription drug program; and

“(iii) use the electronic prescription drug program for such prescription,

the Secretary shall make a payment to the physician, in addition to any other payment under this part, of the amount specified in subparagraph (B). Not more than one payment may be made under this subsection with respect to any physician.

“(B) AMOUNT.—The payment amount under subparagraph (A) shall be, in the case of a physician that meets the conditions of subparagraph (A) for a period that begins during—

“(i) 2008 or 2009, \$2,000;

“(ii) 2010 or 2011, \$1,500; or

“(iii) 2012 or a subsequent year, \$1,000.

“(2) ON-GOING BONUS FOR USE OF E-PRESCRIBING.—

“(A) IN GENERAL.—If the Secretary determines, based upon coding in claims submitted under this part over a period specified by the Secretary, that a physician uses the electronic prescription drug program for prescribing at least a threshold volume or proportion (as specified by the Secretary) of claims for physicians' services for individuals enrolled under this part, in addition to the amount of payment that would otherwise be made under this part for physicians' services by the physician that are classified as evaluation and management services under section 1848, there also shall be paid to the physician an amount equal to 1 percent of the allowed charges for such services. In applying the previous sentence, there shall not be taken into account claims for prescriptions written for controlled substances which may not under law be prescribed using the electronic prescription drug program.

“(B) APPLICATION TO PHYSICIAN SHORTAGE BONUSES.—The additional payment under this paragraph shall be taken into account in applying subsections (m) and (u).

“(3) AUDITING.—Provisions applicable to the auditing of claims for payment and enforcement of false claims under this part shall apply to claims for payment under this subsection.

“(4) ELECTRONIC PRESCRIPTION DRUG PROGRAM DEFINED.—In this subsection, the term 'electronic prescription drug program' means the program established under section 1860D-4(e).”.

(b) REQUIREMENT FOR USE OF E-PRESCRIBING.—Section 1848(a) of such Act (42 U.S.C. 1395w-8(a)) is amended by adding at the end the following new paragraph:

“(5) ADJUSTMENT IN FEE SCHEDULE FOR FAILURE TO USE E-PRESCRIBING.—

“(A) IN GENERAL.—Subject to subparagraph (B), effective for physicians' services furnished on or after January 1, 2011, in the case of such services—

“(i) that are classified as evaluation and management services under this section; and

“(ii) in connection with which there was one or more prescriptions made that could have been made, but were not all made, under the electronic prescription drug program,

the fee schedule amount otherwise applicable under this section shall be reduced by 10 percent.

“(B) WAIVER.—The Secretary may waive the application of subparagraph (A) until January 1, 2012, or January 1, 2013, as specified by the Secretary, in cases of demonstrated hardship or unforeseen circumstances specified by the Secretary.”.

SEC. 4. REPORTS ON E-PRESCRIBING.

(a) CMS REPORT.—

(1) IN GENERAL.—Not later than 2 years after the date of the enactment of this Act, the Administrator of the Centers for Medicare & Medicaid Services shall submit to Congress a report on progress on implementing e-prescribing under the Medicare electronic prescription drug program under section 1860D-4(e) of the Social Security Act (42 U.S.C. 1395w-104(e)).

(2) ITEMS INCLUDED.—Such report shall include information on—

(A) the percentage of Medicare physicians that utilize the electronic prescription drug program;

(B) the estimated savings resulting from the use of e-prescribing; and

(C) progress on reducing avoidable medical errors resulting from the use of e-prescribing.

(b) GAO REPORT.—

(1) IN GENERAL.—Not later than 2 years after the date of the enactment of this Act, the Comptroller General of the United States shall submit to Congress a report on the impact of implementation of such program on physicians.

(2) ITEMS INCLUDED.—Such report shall include information on—

(A) factors influencing the adopting of e-prescribing by physicians; and

(B) the impact of this Act on physicians practicing in individual or small group practices and on physicians practicing in rural areas.

By Mr. WYDEN (for himself and Mr. OBAMA):

S. 2411. A bill to require the establishment of a credit card safety star rating system for the benefit of consumers, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Mr. WYDEN. Mr. President, credit card debt is hitting American families like a wrecking ball, with our families already being hammered by skyrocketing fuel prices and the subprime mortgage mess. We have seen credit card debt go up almost 25 percent in the last 3 years. I have brought to the floor a typical credit card agreement

that millions of our citizens enter into. It is 44 pages long. You can't see it from the chair, but it goes on and on and on with small print. It is very obvious to me that buried in all of this legalese, buried in all of this technical jargon, is a variety of sneaky terms that end up hurting consumers because it is not possible to understand what is in much of the key provisions of these agreements. For example, we understand folks in New Jersey, Oregon, or anywhere else pay a lot of attention to the interest rate provision. They pay a lot of attention to the annual fee provision. But they don't notice a lot of the little disclosures that end up hidden in the legalese that can end up making the real cost of credit significantly higher.

Last week, I met with students across the State of Oregon. A lot of them, with the financial aid cutbacks, are now walking on an economic tightrope. They balance their food bills against their fuel bills and their fuel bills against their housing costs. They are on an economic tightrope. They are getting buried in credit card debt. Very often they find, for example, that if they have a credit card, and they are late on another payment with someone else, their credit card interest rate ends up going up as a result. There may be a small provision in their existing credit card agreement that allows it, but nobody, for the most part, knows about it.

Students would say their interest rates would double almost overnight with virtually no notice. They would not be given any clear communication about what is going on. They would just find their costs would arbitrarily skyrocket, and they would again be unable to pay their bills.

Now, I recognize in a free society folks have a constitutional right to be foolish, to rack up charges that would not be wise, but they can do so anyway in a free society. I do not think most people will do that, certainly not the students I met with in Oregon last week, if it is possible to understand the terms of these credit cards in straightforward, plain and simple English rather than see the key provisions buried in all kinds of legalese that you would have to be a wizard to sort out.

So I am proposing today, with the support of our colleague, Senator OBAMA from Illinois, that the Federal Reserve, which has great expertise in this area, set up a safety rating system for credit cards—not one that evaluates credit card companies on provisions that are appropriately evaluated in the marketplace, but on safety matters—for example, whether a credit card company gives the consumer adequate notice before they change terms; whether, for example, they highlight the key kinds of changes rather than bury them in the small print.

I think the Federal Reserve, with the technical expertise they have and the independent judgment they bring to these financial questions, is the ideal

place to develop and operate a safety rating system. Such a system has worked quite well for new cars. When you have a rating system for cars, people can understand how they would be protected in a crash. The legislation I am offering will tell people whether credit card companies are treating them fairly and disclosing the key provisions so that a free market can work.

So under the rating system I propose today with Senator OBAMA, it would be required for credit card companies to put on the card itself, put on the various promotional materials they are using, stars which, in effect, would be granted on the basis of the Federal Reserve's independent judgment as to whether the key safety criteria are being met.

I am very hopeful that at a time when our citizens are being pounded by powerful economic forces, particularly in the energy and housing field, there could at least be bipartisan agreement that the Senate could support transparency, disclosure, changes in the credit card business, so our consumers—and millions are using these credit cards during this holiday season—can understand the agreements they are getting into.

The students I met with last week are taking steps now to better police what is going on in the credit card field. On several campuses in Oregon, they have moved the credit card companies off campus. Yet the credit card companies continue to flood the students with promotional material.

I was told, for example, about one program where students were brought into a room where money was essentially floating in the air, where it was as if you would be going to a financial paradise if you just signed up for one of these credit card agreements.

I am not proposing heavy-handed regulation. I am not proposing one-size-fits-all government. I am proposing that an agency with the expertise to make sure there is disclosure, that the forms and agreements are printed in simple English—that that kind of information be rewarded in the marketplace. If companies are not willing to do it, the American people could find that out as well.

That is the kind of simple, straightforward approach—with disclosure, transparency, in simple English—that makes sense for the digital age. With the Federal Reserve completing that first safety rating, all Americans could get that kind of information quickly and conveniently. That is what is in the interest of the American people with respect to this credit card debt issue at a critical time.

I hope my colleagues will support the legislation I introduce today with Senator OBAMA.

By Mr. FEINGOLD (for himself, Ms. COLLINS, Mr. OBAMA, Mr. DURBIN, Mrs. CLINTON, Mr. BIDEN, Mr. DODD, and Mr. KERRY):

S. 2412. A bill to amend the Internal Revenue Code of 1986 to reform the system of public financing for Presidential elections, and for other purposes; to the Committee on Finance.

Mr. FEINGOLD. Mr. President, today I will reintroduce a bill to repair and strengthen the presidential public financing system. Bipartisan support is a key element of successful campaign finance reform efforts, and I am therefore delighted that the junior Senator from Maine, Sen. COLLINS, has agreed to be the principal cosponsor of the bill.

The Presidential Funding Act of 2007 will ensure that this system will continue to fulfill its promise in the 21st century. The bill will take effect in January 2009, so it will first apply in the 2012 presidential election.

The presidential public financing system was put into place in the wake of the Watergate scandals as part of the Federal Election Campaign Act of 1974. It was held to be constitutional by the Supreme Court in *Buckley v. Valeo*. The system, of course, is voluntary, as the Supreme Court required in *Buckley*. Every major party nominee for President since 1976 has participated in the system for the general election and, prior to 2000, every major party nominee had participated in the system for the primary election as well.

In the 2004 election, President Bush and two Democratic candidates, Howard Dean and the eventual nominee JOHN KERRY, opted out of the system for the presidential primaries. President Bush and Senator KERRY elected to take the taxpayer-funded grant in the general election. President Bush also opted out of the system for the Republican primaries in 2000 but accepted the general election grant. Several of the leading candidates for President in the 2008 election are not participating in the primary system, and it remains to be seen whether either major party candidate will accept public funds in the general election.

It is unfortunate that the matching funds system for the primaries has become less practicable. The system protects the integrity of the electoral process by allowing candidates to run viable campaigns without becoming overly dependent on private donors. The system has worked well in the past, and it is worth repairing so that it can work in the future. If we don't repair it, the pressures on candidates to opt out will increase until the system collapses from disuse.

This bill makes changes to both the primary and general election public financing system to address the weaknesses and problems that have been identified by participants in the system, experts on the presidential election financing process, and an electorate that is increasingly dismayed by the influence of money in politics. First and most important, it eliminates the state-by-state primary spending limits in the current law and substantially increases the overall primary spending limit from the current

limit of approximately \$45 million to \$150 million, of which up to \$100 million can be spent before April 1 of the election year. This should make the system much more viable for serious candidates facing opponents who are capable of raising significant sums outside the system. The bill also makes available substantially more public money for participating candidates by increasing the match of small contributions from 1:1 to 4:1.

One very important provision of this bill ties the primary and general election systems together and requires candidates to make a single decision on whether to participate. Candidates who opt out of the primary system and decide to rely solely on private money cannot return to the system for the general election. Candidates must commit to participate in the system in the general election if they want to receive Federal matching funds in the primaries. The bill also increases the spending limits for participating candidates in the primaries who face a nonparticipating opponent if that opponent raises more than 20 percent more than the spending limit. This provides some protection against being far outspent by a nonparticipating opponent. Additional grants of public money are also available to participating candidates who face a nonparticipating candidate spending substantially more than the spending limit.

The bill also sets the general election spending limit at \$100 million, indexed for inflation. If a general election candidate does not participate in the system and spends more than 20 percent more than the combined primary and general election spending limits, a participating opposing candidate will receive a grant equal to twice the general election spending limit.

This bill also addresses what some have called the "gap" between the primary and general election seasons. Presumptive presidential nominees have emerged earlier in the election year over the life of the public financing system. This has led to some nominees being essentially out of money between the time that they nail down the nomination and the convention where they are formally nominated and become eligible for the general election grant. For a few cycles, soft money raised by the parties filled in that gap, but the Bipartisan Campaign Reform Act of 2002 fortunately has now closed that loophole. This bill allows candidates who are still in the primary race as of April 1 to spend an additional \$50 million until funds for the general election are made available. In addition, the bill allows the political parties to spend up to \$25 million between April 1 and the date that a candidate is nominated and an additional \$25 million after the nomination. The total amount of \$50 million is over three times the amount allowed under current law. This should allow the "gap" to be more than adequately filled.

Obviously, these changes make this a more generous system. So the bill also makes the requirement for qualifying more difficult. To be eligible for matching funds, a candidate must raise \$25,000 in matchable contributions—up to \$200 for each donor—in at least 20 States. That is five times the threshold under current law.

The bill also makes a number of changes in the system to reflect the changes in our presidential races over the past several decades. For one thing, it makes matching funds available starting 6 months before the date of the first primary or caucus, that's approximately 6 months earlier than is currently the case. For another, it sets a single date for release of the public grants for the general election—the Friday before Labor Day. This addresses an inequity in the current system, under which the general election grants are released after each nominating convention, which can be several weeks apart.

The bill also prohibits Federal elected officials and candidates from soliciting soft money for use in funding the party conventions and requires presidential candidates to disclose bundled contributions. The bundling provision builds on a provision contained in ethics and lobbying reform bill enacted earlier this year. It requires presidential candidates to disclose all bundlers of \$50,000 or more.

The purpose of this bill is to improve the campaign finance system, not to advance one party's interests. In fact, this is an excellent time to make changes in the Presidential public funding system. The 2008 presidential campaign, which is already underway, will undoubtedly be the most expensive in history. A number of candidates from both parties have opted out of the primary matching funds system, and some experts predict that one or both major party nominees will even refuse public grants for the general election period. It is too late to make the changes needed to repair the system for the 2008 election. But if we act now, we can make sure that an updated and revised system is in place for the 2012 election. If we act now, I am certain that the 2008 campaign cycle will confirm our foresight. If we do nothing, 2008 will continue and accelerate the slide of the current system into irrelevancy.

Fixing the presidential public financing system will cost money, but our best calculations at the present time indicate that the changes to the system in this bill can be paid for by raising the income tax check-off on an individual return from \$3 to just \$10. The total cost of the changes to the system, based on data from the 2004 elections, is projected to be around \$365 million over the 4-year election cycle. To offset that increased cost, this bill first amends the Energy Policy Act of 2005 to allow the Bureau of Land Management to implement new user fees for processing oil and gas permits. It also

amends the Geothermal Steam Act of 1970 to increase the yearly maintenance fee and one-time location fee for holders of more than 10 mining claims on federal land to \$150 and \$50 per claim, respectively, and imposes a 4 percent royalty on the gross income from mining on existing claims. Finally, it amends the Public Rangelands Improvement Act of 1978 to use a state's fee formula to establish the grazing fees for federal land in that state.

Though the numbers are large, this is actually a very small investment to make to protect our democracy and preserve the integrity of our presidential elections. The American people do not want to see a return to the pre-Watergate days of unlimited spending on presidential elections and candidates entirely beholden to private donors. We must act to ensure the fairness of our elections and the confidence of our citizens in the process by repairing the cornerstone of the Watergate reforms.

Mr. President, I ask unanimous consent that the text of the bill and a section-by-section analysis be printed in the RECORD.

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

S. 2412

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 "Presidential Funding Act of 2007".

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

- Sec. 1. Short title; table of contents.
- Sec. 2. Revisions to system of Presidential primary matching payments.
- Sec. 3. Requiring participation in primary payment system as condition of eligibility for general election payments.
- Sec. 4. Revisions to expenditure limits.
- Sec. 5. Additional payments and increased expenditure limits for candidates participating in public financing who face certain nonparticipating opponents.
- Sec. 6. Establishment of uniform date for release of payments from Presidential Election Campaign Fund to eligible candidates.
- Sec. 7. Revisions to designation of income tax payments by individual taxpayers.
- Sec. 8. Amounts in Presidential Election Campaign Fund.
- Sec. 9. Regulation of convention financing.
- Sec. 10. Disclosure of bundled contributions to presidential campaigns.
- Sec. 11. Repeal of priority in use of funds for political conventions.
- Sec. 12. Offsets.
- Sec. 13. Effective date.

SEC. 2. REVISIONS TO SYSTEM OF PRESIDENTIAL PRIMARY MATCHING PAYMENTS.

(a) INCREASE IN MATCHING PAYMENTS.—

(1) IN GENERAL.—Section 9034(a) of the Internal Revenue Code of 1986 is amended—

(A) by striking "an amount equal to the amount" and inserting "an amount equal to 400 percent of the amount"; and

(B) by striking "\$250" and inserting "\$200".

(2) ADDITIONAL MATCHING PAYMENTS FOR CANDIDATES AFTER MARCH 31 OF THE ELECTION

YEAR.—Section 9034(b) of such Code is amended to read as follows:

“(b) ADDITIONAL PAYMENTS FOR CANDIDATES AFTER MARCH 31 OF THE ELECTION YEAR.—In addition to any payment under subsection (a), an individual who is a candidate after March 31 of the calendar year in which the presidential election is held and who is eligible to receive payments under section 9033 shall be entitled to payments under section 9037 in an amount equal to the amount of each contribution received by such individual after March 31 of the calendar year in which such presidential election is held, disregarding any amount of contributions from any person to the extent that the total of the amounts contributed by such person after such date exceeds \$200.”

(3) CONFORMING AMENDMENTS.—Section 9034 of such Code, as amended by paragraph (2), is amended—

(A) by striking the last sentence of subsection (a); and

(B) by inserting after subsection (b) the following new subsection:

“(c) CONTRIBUTION DEFINED.—For purposes of this section and section 9033(b), the term ‘contribution’ means a gift of money made by a written instrument which identifies the person making the contribution by full name and mailing address, but does not include a subscription, loan, advance, or deposit of money, or anything of value or anything described in subparagraph (B), (C), or (D) of section 9032(4).”

(b) ELIGIBILITY REQUIREMENTS.—

(1) AMOUNT OF AGGREGATE CONTRIBUTIONS PER STATE.—Section 9033(b)(3) of such Code is amended by striking “\$5,000” and inserting “\$25,000”.

(2) AMOUNT OF INDIVIDUAL CONTRIBUTIONS.—Section 9033(b)(4) of such Code is amended by striking “\$250” and inserting “\$200”.

(3) PARTICIPATION IN SYSTEM FOR PAYMENTS FOR GENERAL ELECTION.—Section 9033(b) of such Code is amended—

(A) by striking “and” at the end of paragraph (3);

(B) by striking the period at the end of paragraph (4) and inserting “, and”; and

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

“(5) if the candidate is nominated by a political party for election to the office of President, the candidate will apply for and accept payments with respect to the general election for such office in accordance with chapter 95, including the requirement that the candidate and the candidate’s authorized committees will not incur qualified campaign expenses in excess of the aggregate payments to which they will be entitled under section 9004.”

(c) PERIOD OF AVAILABILITY OF PAYMENTS.—Section 9032(6) of such Code is amended by striking “the beginning of the calendar year in which a general election for the office of President of the United States will be held” and inserting “the date that is 6 months prior to the date of the earliest State primary election”.

SEC. 3. REQUIRING PARTICIPATION IN PRIMARY PAYMENT SYSTEM AS CONDITION OF ELIGIBILITY FOR GENERAL ELECTION PAYMENTS.

(a) MAJOR PARTY CANDIDATES.—Section 9003(b) of the Internal Revenue Code of 1986 is amended—

(1) by redesignating paragraphs (1) and (2) as paragraphs (2) and (3); and

(2) by inserting before paragraph (2) (as so redesignated) the following new paragraph:

“(1) the candidate received payments under chapter 96 for the campaign for nomination;”

(b) MINOR PARTY CANDIDATES.—Section 9003(c) of such Code is amended—

(1) by redesignating paragraphs (1) and (2) as paragraphs (2) and (3); and

(2) by inserting before paragraph (2) (as so redesignated) the following new paragraph:

“(1) the candidate received payments under chapter 96 for the campaign for nomination;”

SEC. 4. REVISIONS TO EXPENDITURE LIMITS.

(a) INCREASE IN EXPENDITURE LIMITS FOR PARTICIPATING CANDIDATES; ELIMINATION OF STATE-SPECIFIC LIMITS.—

(1) IN GENERAL.—Section 315(b)(1) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(b)(1)) is amended by striking “may make expenditures in excess of” and all that follows and inserting “may make expenditures—

“(A) with respect to a campaign for nomination for election to such office—

“(i) in excess of \$100,000,000 before April 1 of the calendar year in which the presidential election is held; and

“(ii) in excess of \$150,000,000 before the date described in section 9006(b) of the Internal Revenue Code of 1986; and

“(B) with respect to a campaign for election to such office, in excess of \$100,000,000.”

(2) CLERICAL CORRECTION.—Section 9004(a)(1) of the Internal Revenue Code of 1986 is amended by striking “section 320(b)(1)(B) of the Federal Election Campaign Act of 1971” and inserting “section 315(b)(1)(B) of the Federal Election Campaign Act of 1971”.

(b) INCREASE IN LIMIT ON COORDINATED PARTY EXPENDITURES.—Section 315(d)(2) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(d)(2)) is amended to read as follows:

“(2)(A) The national committee of a political party may not make any expenditure in connection with the general election campaign of any candidate for President of the United States who is affiliated with such party which exceeds \$25,000,000.

“(B) Notwithstanding the limitation under subparagraph (A), during the period beginning on April 1 of the year in which a presidential election is held and ending on the date described in section 9006(b) of the Internal Revenue Code of 1986, the national committee of a political party may make additional expenditures in connection with the general election campaign of a candidate for President of the United States who is affiliated with such party in an amount not to exceed \$25,000,000.

“(C)(i) Notwithstanding subparagraph (B) or the limitation under subparagraph (A), if any nonparticipating primary candidate (within the meaning of subsection (b)(3)) affiliated with the national committee of a political party receives contributions or makes expenditures with respect to such candidate’s campaign in an aggregate amount greater than 120 percent of the expenditure limitation in effect under subsection (b)(1)(A)(ii), then, during the period described in clause (ii), the national committee of any other political party may make expenditures in connection with the general election campaign of a candidate for President of the United States who is affiliated with such other party without limitation.

“(ii) The period described in this clause is the period—

“(I) beginning on the later of April 1 of the year in which a presidential election is held or the date on which such nonparticipating primary candidate first receives contributions or makes expenditures in the aggregate amount described in clause (i); and

“(II) ending on the earlier of the date such nonparticipating primary candidate ceases to be a candidate for nomination to the office of President of the United States and is not a candidate for such office or the date described in section 9006(b) of the Internal Revenue Code of 1986.

“(iii) If the nonparticipating primary candidate described in clause (i) ceases to be a candidate for nomination to the office of President of the United States and is not a candidate for such office, clause (i) shall not apply and the limitations under subparagraphs (A) and (B) shall apply. It shall not be considered to be a violation of this Act if the application of the preceding sentence results in the national committee of a political party violating the limitations under subparagraphs (A) and (B) solely by reason of expenditures made by such national committee during the period in which clause (i) applied.

“(D) For purposes of this paragraph—

“(i) any expenditure made by or on behalf of a national committee of a political party and in connection with a presidential election shall be considered to be made in connection with the general election campaign of a candidate for President of the United States who is affiliated with such party; and

“(ii) any communication made by or on behalf of such party shall be considered to be made in connection with the general election campaign of a candidate for President of the United States who is affiliated with such party if any portion of the communication is in connection with such election.

“(E) Any expenditure under this paragraph shall be in addition to any expenditure by a national committee of a political party serving as the principal campaign committee of a candidate for the office of President of the United States.”

(c) CONFORMING AMENDMENTS RELATING TO TIMING OF COST-OF-LIVING ADJUSTMENT.—

(1) IN GENERAL.—Section 315(c)(1) of such Act (2 U.S.C. 441a(c)(1)) is amended—

(A) in subparagraph (B), by striking “(b), (d),” and inserting “(d)(3)”; and

(B) by inserting at the end the following new subparagraph:

“(D) In any calendar year after 2008—

“(i) a limitation established by subsection (b) or (d)(2) shall be increased by the percent difference determined under subparagraph (A);

“(ii) each amount so increased shall remain in effect for the calendar year; and

“(iii) if any amount after adjustment under clause (i) is not a multiple of \$100, such amount shall be rounded to the nearest multiple of \$100.”

(2) BASE YEAR.—Section 315(c)(2)(B) of such Act (2 U.S.C. 441a(c)(2)(B)) is amended—

(A) in clause (i)—

(i) by striking “subsections (b) and (d)” and inserting “subsection (d)(3)”; and

(ii) by striking “and” at the end;

(B) in clause (ii), by striking the period at the end and inserting “, and”; and

(C) by adding at the end the following new clause:

“(iii) for purposes of subsection (b) and (d)(2), calendar year 2007.”

(d) REPEAL OF EXCLUSION OF FUNDRAISING COSTS FROM TREATMENT AS EXPENDITURES.—Section 301(9)(B)(vi) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(9)(B)(vi)) is amended by striking “in excess of an amount equal to 20 percent of the expenditure limitation applicable to such candidate under section 315(b)” and inserting the following: “who is seeking nomination for election or election to the office of President or Vice President of the United States”.

SEC. 5. ADDITIONAL PAYMENTS AND INCREASED EXPENDITURE LIMITS FOR CANDIDATES PARTICIPATING IN PUBLIC FINANCING WHO FACE CERTAIN NONPARTICIPATING OPPONENTS.

(a) CANDIDATES IN PRIMARY ELECTIONS.—

(1) ADDITIONAL PAYMENTS.—

(A) IN GENERAL.—Section 9034 of the Internal Revenue Code of 1986, as amended by section 2, is amended by redesignating subsection (c) as subsection (d) and by inserting

after subsection (b) the following new subsection:

“(C) ADDITIONAL PAYMENTS FOR CANDIDATES FACING NONPARTICIPATING OPPONENTS.—

“(1) IN GENERAL.—In addition to any payments provided under subsections (a) and (b), each candidate described in paragraph (2) shall be entitled to—

“(A) a payment under section 9037 in an amount equal to the amount of each contribution received by such candidate on or after the beginning of the calendar year preceding the calendar year of the presidential election with respect to which such candidate is seeking nomination and before the qualifying date, disregarding any amount of contributions from any person to the extent that the total of the amounts contributed by such person exceeds \$200, and

“(B) payments under section 9037 in an amount equal to the amount of each contribution received by such candidate on or after the qualifying date, disregarding any amount of contributions from any person to the extent that the total of the amounts contributed by such person exceeds \$200.

“(2) CANDIDATES TO WHOM THIS SUBSECTION APPLIES.—A candidate is described in this paragraph if such candidate—

“(A) is eligible to receive payments under section 9033, and

“(B) is opposed by a nonparticipating primary candidate of the same political party who receives contributions or makes expenditures with respect to the campaign—

“(i) before April 1 of the year in which the presidential election is held, in an aggregate amount greater than 120 percent of the expenditure limitation under section 315(b)(1)(A)(i) of the Federal Election Campaign Act of 1971, or

“(ii) before the date described in section 9006(b), in an aggregate amount greater than 120 percent of the expenditure limitation under section 315(b)(1)(A)(ii) of such Act.

“(3) NONPARTICIPATING PRIMARY CANDIDATE.—In this subsection, the term ‘nonparticipating primary candidate’ means a candidate for nomination for election for the office of President who is not eligible under section 9033 to receive payments from the Secretary under this chapter.

“(4) QUALIFYING DATE.—In this subsection, the term ‘qualifying date’ means the first date on which the contributions received or expenditures made by the nonparticipating primary candidate described in paragraph (2)(B) exceed the amount described under either clause (i) or clause (ii) of such paragraph.”

(B) CONFORMING AMENDMENT.—Section 9034(b) of such Code, as amended by section 2, is amended by striking “subsection (a)” and inserting “subsections (a) and (c)”.

(2) INCREASE IN EXPENDITURE LIMIT.—Section 315(b) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(b)) is amended by adding at the end the following new paragraph:

“(3)(A) In the case of an eligible candidate, each of the limitations under clause (i) and (ii) of paragraph (1)(A) shall be increased—

“(i) by \$50,000,000, if any nonparticipating primary candidate of the same political party as such candidate receives contributions or makes expenditures with respect to the campaign in an aggregate amount greater than 120 percent of the expenditure limitation applicable to eligible candidates under clause (i) or (ii) of paragraph (1)(A) (before the application of this clause), and

“(ii) by \$100,000,000, if such nonparticipating primary candidate receives contributions or makes expenditures with respect to the campaign in an aggregate amount greater than 120 percent of the expenditure limitation applicable to eligible candidates under

clause (i) or (ii) of paragraph (1)(A) after the application of clause (i).

“(B) Each dollar amount under subparagraph (A) shall be considered a limitation under this subsection for purposes of subsection (c).

“(C) In this paragraph, the term ‘eligible candidate’ means, with respect to any period, a candidate—

“(i) who is eligible to receive payments under section 9033 of the Internal Revenue Code of 1986;

“(ii) who is opposed by a nonparticipating primary candidate; and

“(iii) with respect to whom the Commission has given notice under section 304(j)(1)(B)(i).

“(D) In this paragraph, the term ‘nonparticipating primary candidate’ means, with respect to any eligible candidate, a candidate for nomination for election for the office of President who is not eligible under section 9033 of the Internal Revenue Code of 1986 to receive payments from the Secretary of the Treasury under chapter 96 of such Code.”

(b) CANDIDATES IN GENERAL ELECTIONS.—

(1) ADDITIONAL PAYMENTS.—

(A) IN GENERAL.—Section 9004(a)(1) of the Internal Revenue Code of 1986 is amended—

(i) by striking “(1) The eligible candidates” and inserting “(1)(A) Except as provided in subparagraph (B), the eligible candidates”; and

(ii) by adding at the end the following new subparagraph:

“(B) In addition to the payments described in subparagraph (A), each eligible candidate of a major party in a presidential election with an opponent in the election who is not eligible to receive payments under section 9006 and who receives contributions or makes expenditures with respect to the primary and general elections in an aggregate amount greater than 120 percent of the combined expenditure limitations applicable to eligible candidates under section 315(b)(1) of the Federal Election Campaign Act of 1971 shall be entitled to an equal payment under section 9006 in an amount equal to 100 percent of the expenditure limitation applicable under such section with respect to a campaign for election to the office of President.”

(B) SPECIAL RULE FOR MINOR PARTY CANDIDATES.—Section 9004(a)(2)(A) of such Code is amended—

(i) by striking “(A) The eligible candidates” and inserting “(A)(i) Except as provided in clause (ii), the eligible candidates”; and

(ii) by adding at the end the following new clause:

“(i) In addition to the payments described in clause (i), each eligible candidate of a minor party in a presidential election with an opponent in the election who is not eligible to receive payments under section 9006 and who receives contributions or makes expenditures with respect to the primary and general elections in an aggregate amount greater than 120 percent of the combined expenditure limitations applicable to eligible candidates under section 315(b)(1) of the Federal Election Campaign Act of 1971 shall be entitled to an equal payment under section 9006 in an amount equal to 100 percent of the payment to which such candidate is entitled under clause (i).”

(2) EXCLUSION OF ADDITIONAL PAYMENT FROM DETERMINATION OF EXPENDITURE LIMITS.—Section 315(b) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(b)), as amended by subsection (a), is amended by adding at the end the following new paragraph:

“(4) In the case of a candidate who is eligible to receive payments under section 9004(a)(1)(B) or 9004(a)(2)(A)(ii) of the Inter-

nal Revenue Code of 1986, the limitation under paragraph (1)(B) shall be increased by the amount of such payments received by the candidate.”

(c) PROCESS FOR DETERMINATION OF ELIGIBILITY FOR ADDITIONAL PAYMENT AND INCREASED EXPENDITURE LIMITS.—Section 304 of the Federal Election Campaign Act of 1971 (2 U.S.C. 434) is amended by adding at the end the following new subsection:

“(j) REPORTING AND CERTIFICATION FOR ADDITIONAL PUBLIC FINANCING PAYMENTS FOR CANDIDATES.—

“(1) PRIMARY CANDIDATES.—

“(A) NOTIFICATION OF EXPENDITURES BY INELIGIBLE CANDIDATES.—

“(i) EXPENDITURES IN EXCESS OF 120 PERCENT OF LIMIT.—If a candidate for a nomination for election for the office of President who is not eligible to receive payments under section 9033 of the Internal Revenue Code of 1986 receives contributions or makes expenditures with respect to the primary election in an aggregate amount greater than 120 percent of the expenditure limitation applicable to eligible candidates under clause (i) or (ii) of section 315(b)(1)(A), the candidate shall notify the Commission in writing that the candidate has received aggregate contributions or made aggregate expenditures in such an amount not later than 24 hours after first receiving aggregate contributions or making aggregate expenditures in such an amount.

“(ii) EXPENDITURES IN EXCESS OF 120 PERCENT OF INCREASED LIMIT.—If a candidate for a nomination for election for the office of President who is not eligible to receive payments under section 9033 of the Internal Revenue Code of 1986 receives contributions or makes expenditures with respect to the primary election in an aggregate amount greater than 120 percent of the expenditure limitation applicable to eligible candidates under section 315(b) after the application of paragraph (3)(A)(i) thereof, the candidate shall notify the Commission in writing that the candidate has received aggregate contributions or made aggregate expenditures in such an amount not later than 24 hours after first receiving aggregate contributions or making aggregate expenditures in such an amount.

“(B) CERTIFICATION.—Not later than 24 hours after receiving any written notice under subparagraph (A) from a candidate, the Commission shall—

“(i) certify to the Secretary of the Treasury that opponents of the candidate are eligible for additional payments under section 9034(c) of the Internal Revenue Code of 1986;

“(ii) notify each opponent of the candidate who is eligible to receive payments under section 9033 of the Internal Revenue Code of 1986 of the amount of the increased limitation on expenditures which applies pursuant to section 315(b)(3); and

“(iii) in the case of a notice under subparagraph (A)(i), notify the national committee of each political party (other than the political party with which the candidate is affiliated) of the inapplicability of expenditure limits under section 315(d)(2) pursuant to subparagraph (C) thereof.

“(2) GENERAL ELECTION CANDIDATES.—

“(A) NOTIFICATION OF EXPENDITURES BY INELIGIBLE CANDIDATES.—If a candidate in a presidential election who is not eligible to receive payments under section 9006 of the Internal Revenue Code of 1986 receives contributions or makes expenditures with respect to the primary and general elections in an aggregate amount greater than 120 percent of the combined expenditure limitations applicable to eligible candidates under section 315(b)(1), the candidate shall notify the Commission in writing that the candidate has received aggregate contributions or made aggregate expenditures in such an

amount not later than 24 hours after first receiving aggregate contributions or making aggregate expenditures in such an amount.

“(B) CERTIFICATION.—Not later than 24 hours after receiving a written notice under subparagraph (A), the Commission shall certify to the Secretary of the Treasury for payment to any eligible candidate who is entitled to an additional payment under paragraph (1)(B) or (2)(A)(ii) of section 9004(a) of the Internal Revenue Code of 1986 that the candidate is entitled to payment in full of the additional payment under such section.”.

SEC. 6. ESTABLISHMENT OF UNIFORM DATE FOR RELEASE OF PAYMENTS FROM PRESIDENTIAL ELECTION CAMPAIGN FUND TO ELIGIBLE CANDIDATES.

(a) IN GENERAL.—The first sentence of section 9006(b) of the Internal Revenue Code of 1986 is amended to read as follows: “If the Secretary of the Treasury receives a certification from the Commission under section 9005 for payment to the eligible candidates of a political party, the Secretary shall, on the last Friday occurring before the first Monday in September, pay to such candidates of the fund the amount certified by the Commission.”.

(b) CONFORMING AMENDMENT.—The first sentence of section 9006(c) of such Code is amended by striking “the time of a certification by the Comptroller General under section 9005 for payment” and inserting “the time of making a payment under subsection (b)”.

SEC. 7. REVISIONS TO DESIGNATION OF INCOME TAX PAYMENTS BY INDIVIDUAL TAXPAYERS.

(a) INCREASE IN AMOUNT DESIGNATED.—Section 6096(a) of the Internal Revenue Code of 1986 is amended—

(1) in the first sentence, by striking “\$3” each place it appears and inserting “\$10”; and

(2) in the second sentence—

(A) by striking “\$6” and inserting “\$20”; and

(B) by striking “\$3” and inserting “\$10”.

(b) INDEXING.—Section 6096 of such Code is amended by adding at the end the following new subsection:

“(d) INDEXING OF AMOUNT DESIGNATED.—

“(1) IN GENERAL.—With respect to each taxable year after 2008, each amount referred to in subsection (a) shall be increased by the percent difference described in paragraph (2), except that if any such amount after such an increase is not a multiple of \$1, such amount shall be rounded to the nearest multiple of \$1.

“(2) PERCENT DIFFERENCE DESCRIBED.—The percent difference described in this paragraph with respect to a taxable year is the percent difference determined under section 315(c)(1)(A) of the Federal Election Campaign Act of 1971 with respect to the calendar year during which the taxable year begins, except that the base year involved shall be 2008.”.

(c) ENSURING TAX PREPARATION SOFTWARE DOES NOT PROVIDE AUTOMATIC RESPONSE TO DESIGNATION QUESTION.—Section 6096 of such Code, as amended by subsection (b), is amended by adding at the end the following new subsection:

“(e) ENSURING TAX PREPARATION SOFTWARE DOES NOT PROVIDE AUTOMATIC RESPONSE TO DESIGNATION QUESTION.—The Secretary shall promulgate regulations to ensure that electronic software used in the preparation or filing of individual income tax returns does not automatically accept or decline a designation of a payment under this section.”.

(d) PUBLIC INFORMATION PROGRAM ON DESIGNATION.—Section 6096 of such Code, as amended by subsections (b) and (c), is amended by adding at the end the following new subsection:

“(f) PUBLIC INFORMATION PROGRAM.—

“(1) IN GENERAL.—The Federal Election Commission shall conduct a program to inform and educate the public regarding the purposes of the Presidential Election Campaign Fund, the procedures for the designation of payments under this section, and the effect of such a designation on the income tax liability of taxpayers.

“(2) USE OF FUNDS FOR PROGRAM.—Amounts in the Presidential Election Campaign Fund shall be made available to the Federal Election Commission to carry out the program under this subsection, except that the amount made available for this purpose may not exceed \$10,000,000 with respect to each Presidential election cycle. In this paragraph, a ‘Presidential election cycle’ is the 4-year period beginning with January of the year following a Presidential election.”.

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 8. AMOUNTS IN PRESIDENTIAL ELECTION CAMPAIGN FUND.

(a) DETERMINATION OF AMOUNTS IN FUND.—Section 9006(c) of the Internal Revenue Code of 1986 is amended by adding at the end the following new sentence: “In making a determination of whether there are insufficient moneys in the fund for purposes of the previous sentence, the Secretary shall take into account in determining the balance of the fund for a Presidential election year the Secretary’s best estimate of the amount of moneys which will be deposited into the fund during the year, except that the amount of the estimate may not exceed the average of the annual amounts deposited in the fund during the previous 3 years.”.

(b) SPECIAL RULE FOR FIRST CAMPAIGN CYCLE UNDER THIS ACT.—

(1) IN GENERAL.—Section 9006 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

“(d) SPECIAL AUTHORITY TO BORROW.—

“(1) IN GENERAL.—Notwithstanding subsection (c), there are authorized to be appropriated to the fund, as repayable advances, such sums as are necessary to carry out the purposes of the fund during the period ending on the first presidential election occurring after the date of the enactment of this subsection.

“(2) REPAYMENT OF ADVANCES.—

“(A) IN GENERAL.—Advances made to the fund shall be repaid, and interest on such advances shall be paid, to the general fund of the Treasury when the Secretary determines that moneys are available for such purposes in the fund.

“(B) RATE OF INTEREST.—Interest on advances made to the fund shall be at a rate determined by the Secretary of the Treasury (as of the close of the calendar month preceding the month in which the advance is made) to be equal to the current average market yield on outstanding marketable obligations of the United States with remaining periods to maturity comparable to the anticipated period during which the advance will be outstanding and shall be compounded annually.”.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall take effect on the date of the enactment of this Act.

SEC. 9. REGULATION OF CONVENTION FINANCING.

Section 323 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441i) is amended by adding at the end the following new subsection:

“(g) NATIONAL CONVENTIONS.—Any person described in subsection (e) shall not solicit, receive, direct, transfer, or spend any funds in connection with a presidential nominating convention of any political party, including funds for a host committee, civic committee,

or any other person or entity spending funds in connection with such a convention, unless such funds—

“(1) are not in excess of the amounts permitted with respect to contributions to the political committee established and maintained by a national political party committee under section 315; and

“(2) are not from sources prohibited by this Act from making contributions in connection with an election for Federal office.”.

SEC. 10. DISCLOSURE OF BUNDLED CONTRIBUTIONS TO PRESIDENTIAL CAMPAIGNS.

(a) IN GENERAL.—Paragraphs (1) through (3) of section 304(i) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(i)) are amended to read as follows:

“(1) IN GENERAL.—

“(A) DISCLOSURE OF BUNDLED CONTRIBUTIONS BY LOBBYISTS.—Each committee described in paragraph (6) shall include in the first report required to be filed under this section after each covered period (as defined in paragraph (2)) a separate schedule setting forth the name, address, and employer of each person reasonably known by the committee to be a person described in paragraph (7) who provided 2 or more bundled contributions to the committee in an aggregate amount greater than the applicable threshold (as defined in paragraph (3)) during the covered period, and the aggregate amount of the bundled contributions provided by each such person during the covered period.

“(B) DISCLOSURE OF BUNDLED CONTRIBUTIONS TO PRESIDENTIAL CAMPAIGNS.—Each committee which is an authorized committee of a candidate for the office of President or for nomination to such office shall include in the first report required to be filed under this section after each covered period (as defined in paragraph (2)) a separate schedule setting forth the name, address, and employer of each person who provided 2 or more bundled contributions to the committee in an aggregate amount greater than the applicable threshold (as defined in paragraph (3)) during the election cycle, and the aggregate amount of the bundled contributions provided by each such person during the covered period and such election cycle. Such schedule shall include a separate listing of the name, address, and employer of each person included on such schedule who is reasonably known by the committee to be a person described in paragraph (7), together with the aggregate amount of bundled contributions provided by such person during such period and such cycle.

“(2) COVERED PERIOD.—In this subsection, a ‘covered period’ means—

“(A) with respect to a committee which is an authorized committee of a candidate for the office of President or for nomination to such office—

“(i) the 4-year election cycle ending with the date of the election for the office of the President; and

“(ii) any reporting period applicable to the committee under this section during which any person provided 2 or more bundled contributions to the committee; and

“(B) with respect to any other committee—

“(i) the period beginning January 1 and ending June 30 of each year;

“(ii) the period beginning July 1 and ending December 31 of each year; and

“(iii) any reporting period applicable to the committee under this section during which any person described in paragraph (7) provided 2 or more bundled contributions to the committee in an aggregate amount greater than the applicable threshold.

“(3) APPLICABLE THRESHOLD.—

“(A) IN GENERAL.—In this subsection, the ‘applicable threshold’ is—

“(i) \$50,000 in the case of a committee which is an authorized committee of a candidate for the office of President or for nomination to such office; and

“(ii) \$15,000 in the case of any other committee.

In determining whether the amount of bundled contributions provided to a committee by a person exceeds the applicable threshold, there shall be excluded any contribution made to the committee by the person or the person's spouse.

“(B) INDEXING.—In any calendar year after 2007, section 315(c)(1)(B) shall apply to each amount applicable under subparagraph (A) in the same manner as such section applies to the limitations established under subsections (a)(1)(A), (a)(1)(B), (a)(3), and (h) of such section, except that for purposes of applying such section to the amount applicable under subparagraph (A), the ‘base period’ shall be 2006.”

(b) CONFORMING AMENDMENTS.—Subsection (i) of section 304 of such Act (2 U.S.C. 434) is amended—

(1) in paragraph (5), by striking “described in paragraph (7)” each place it appears in subparagraphs (C) and (D);

(2) in paragraph (6), by inserting “(other than a candidate for the office of President or for nomination to such office)” after “candidate”; and

(3) in paragraph (8)(A)—

(A) by striking “, with respect to a committee described in paragraph (6) and a person described in paragraph (7),” and inserting “, with respect to a committee described in paragraph (6) or an authorized committee of a candidate for the office of President or for nomination to such office,”;

(B) by striking “by the person” in clause (i) thereof and inserting “by any person”; and

(C) by striking “the person” each place it appears in clause (ii) and inserting “such person”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to reports filed under section 304 of the Federal Election Campaign Act of 1971 after January 1, 2009.

SEC. 11. REPEAL OF PRIORITY IN USE OF FUNDS FOR POLITICAL CONVENTIONS.

(a) IN GENERAL.—Section 9008(a) of the Internal Revenue Code of 1986 is amended by striking the period at the end of the second sentence and all that follows and inserting the following: “, except that the amount deposited may not exceed the amount available after the Secretary determines that amounts for payments under section 9006 and section 9037 are available for such payments.”

(b) CONFORMING AMENDMENT.—The second sentence of section 9037(a) of such Code is amended by striking “section 9006(c) and for payments under section 9008(b)(3)” and inserting “section 9006”.

SEC. 12. OFFSETS.

(a) REMOVAL OF PROHIBITION ON INCREASING FEES FOR PERMITS.—Section 365 of the Energy Policy Act of 2005 (42 U.S.C. 15924) is amended—

(1) by striking subsection (i); and

(2) by redesignating subsection (j) as subsection (i).

(b) DISPOSAL OF MONEYS FROM SALES, BONUSES, RENTALS, AND ROYALTIES.—Section 20 of the Geothermal Steam Act of 1970 (30 U.S.C. 1019) is amended to read as follows:

“SEC. 20. DISPOSAL OF MONEYS FROM SALES, BONUSES, RENTALS, AND ROYALTIES.

“Subject to section 35 of the Mineral Leasing Act (30 U.S.C. 192), all funds received from the sales, bonuses, royalties, and rentals under this Act (including payments referred to in section 6) shall be disposed of in the same manner as funds received pursuant

to section 6 of this Act or section 35 of the Mineral Leasing Act (30 U.S.C. 192), as the case may be.”

(c) ROYALTY FOR HARDROCK MINING.—The Revised Statutes are amended by inserting after section 2352 (30 U.S.C. 76) the following: “SEC. 2353. RESERVATION OF ROYALTY.

“(a) DEFINITION OF LOCATABLE MINERAL.—In this section:

“(1) IN GENERAL.—The term ‘locatable mineral’ means any mineral, the legal and beneficial title to which remains in the United States and that is not subject to disposition under—

“(A) the Mineral Leasing Act (30 U.S.C. 181 et seq.);

“(B) the Act of August 7, 1947 (commonly known as the ‘Mineral Leasing Act for Acquired Lands’) (30 U.S.C. 351 et seq.);

“(C) the Act of July 31, 1947 (commonly known as the ‘Materials Act of 1947’) (30 U.S.C. 601 et seq.); or

“(D) the Geothermal Steam Act of 1970 (30 U.S.C. 1001 et seq.).

“(2) EXCLUSIONS.—The term ‘locatable mineral’ does not include any mineral that is subject to a restriction against alienation imposed by the United States and is—

“(A) held in trust by the United States for any Indian or Indian tribe (as defined in section 2 of the Indian Mineral Development Act of 1982 (25 U.S.C. 2101)); or

“(B) owned by any Indian or Indian tribe (as defined in section 2 of that Act).

“(b) ROYALTY.—Except as otherwise provided in this section, production of all locatable minerals from any mining claim located under the general mining laws, or mineral concentrates or products derived from locatable minerals from any such mining claim, as the case may be, shall be subject to a royalty of 8 percent of the gross income from mining.

“(c) LIABILITY FOR PAYMENT.—The claim holder or any operator to whom the claim holder has assigned the obligation to make royalty payments under the claim, and any person who controls the claim holder or operator, shall be liable for payment of royalties under this section.

“(d) ROYALTY FOR FEDERAL LAND SUBJECT TO EXISTING PERMIT.—The royalty under subsection (b) shall be 4 percent in the case of any Federal land that—

“(1) is subject to an operations permit on the date of enactment of this section; and

“(2) produces valuable locatable minerals in commercial quantities on the date of enactment of this section.

“(e) FEDERAL LAND ADDED TO EXISTING OPERATIONS PERMIT.—Any Federal land added through a plan modification to an operations permit that is submitted after the date of enactment of this section shall be subject to the royalty that applies to Federal land under subsection (b).

“(f) DEPOSIT.—Amounts received by the United States as royalties under this section shall be deposited into the general fund of the Treasury.”

(d) HARDROCK MINING CLAIM MAINTENANCE FEE.—

(1) FEE.—

(A) IN GENERAL.—Except as provided in section 2511(e)(2) of the Energy Policy Act of 1992 (30 U.S.C. 242(e)(2)), for each unpatented mining claim, mill, or tunnel site on federally owned land, whether located before, on, or after enactment of this Act, each claimant shall pay to the Secretary, on or before August 31 of each year, a claim maintenance fee of \$150 per claim to hold the unpatented mining claim, mill, or tunnel site for the assessment year beginning at noon on September 1.

(B) RELATION TO OTHER LAW.—A claim maintenance fee described in subparagraph (A) shall be in lieu of—

(i) the assessment work requirement in section 2324 of the Revised Statutes (30 U.S.C. 28); and

(ii) the related filing requirements in subsections (a) and (c) of section 314 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1744).

(C) WAIVER.—

(i) IN GENERAL.—The claim maintenance fee required under subparagraph (A) shall be waived for a claimant who certifies in writing to the Secretary that on the date the payment was due, the claimant and all related parties—

(I) held not more than 10 mining claims, mill sites, or tunnel sites, or any combination of mining claims, mill sites, or tunnel sites, on public land; and

(II) have performed assessment work required under section 2324 of the Revised Statutes (30 U.S.C. 28) to maintain the mining claims held by the claimant and all related parties for the assessment year ending on noon of September 1 of the calendar year in which payment of the claim maintenance fee was due.

(ii) DEFINITION OF ALL RELATED PARTIES.—In clause (i), with the respect to any claimant, the term “all related parties” means—

(I) the spouse and dependent children (as defined in section 152 of the Internal Revenue Code of 1986), of the claimant; or

(II) a person affiliated with the claimant, including—

(aa) a person controlled by, controlling, or under common control with the claimant; or

(bb) a subsidiary or parent company or corporation of the claimant.

(D) ADJUSTMENT.—

(i) IN GENERAL.—Not less than 5 years after the date of enactment of this Act, and every 5 years thereafter, or more frequently if the Secretary determines an adjustment to be reasonable, the Secretary shall adjust the claim maintenance fee required under subparagraph (A) to reflect changes for the 12-month period ending the preceding November 30 in the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics of the Department of Labor.

(ii) NOTIFICATION.—Not later than July 1 of any year in which an adjustment is made under clause (i), the Secretary shall provide claimants notice of the adjustment.

(iii) APPLICATION.—A fee adjustment under clause (i) shall be effective beginning January 1 of the calendar year following the calendar year in which the adjustment is made.

(2) LOCATION FEE.—Notwithstanding any other provision of law, for each unpatented mining claim, mill, or tunnel site located during the period beginning on the date of enactment of this Act and ending on September 30, 1998, the locator shall, at the time the location notice is recorded with the Bureau of Land Management, pay to the Secretary a location fee, in addition to the fee required by paragraph (1), of \$50 per claim.

(3) DEPOSIT.—Amounts received under paragraph (1) or (2) that are not otherwise allocated for the administration of the mining laws by the Department of the Interior shall be deposited into the general fund of the Treasury.

(4) CO-OWNERSHIP.—The co-ownership provisions of section 2324 of the Revised Statutes (30 U.S.C. 28) shall remain in effect except that the annual claim maintenance fee, if applicable, shall replace applicable assessment requirements and expenditures.

(5) FAILURE TO PAY.—Failure to pay the claim maintenance fee required by paragraph (1) shall conclusively constitute a forfeiture of the unpatented mining claim, mill, or tunnel site by the claimant and the claim shall be considered to be null and void by operation of law.

(6) OTHER REQUIREMENTS.—

(A) RELATION TO OTHER LAW.—Nothing in this section changes or modifies the requirements of subsections (b) or (c) of section 314(b) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1744).

(B) CONFORMING AMENDMENT.—Section 2324 of the Revised Statutes of the United States (30 U.S.C. 28) is amended by inserting “or section 12(d)(1) of the Presidential Funding Act of 2007” after “Act of 1993.”

(e) GRAZING FEES.—Section 6(a) of the Public Rangelands Improvement Act of 1978 (43 U.S.C. 1905) is amended by striking “the \$1.23 base” and all that follows through “previous year’s fee” and inserting “an amount determined in the same manner as the State in which the land is located determines the amount of fees charged for public grazing on land owned by the State, as determined by the Secretary of Agriculture and the Secretary of the Interior, as appropriate”.

(f) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 13. EFFECTIVE DATE.

Except as otherwise provided in this Act, the amendments made by this Act shall apply with respect to elections occurring after January 1, 2009.

SECTION-BY-SECTION ANALYSIS

SECTION 1: SHORT TITLE

SECTION 2: REVISIONS TO SYSTEM OF PRESIDENTIAL PRIMARY MATCHING PAYMENTS

(a) Matching Funds: Current law provides for a 1-to-1 match, where up to \$250 of each individual’s contributions for the primaries is matched with \$250 in public funds. Under the new matching system, individual contributions of up to \$200 from each individual will be matched at a 4-to-1 ratio, so \$200 in individual contribution can be matched with \$800 from public funds.

Candidates who remain in the primary race can also receive an additional 1-to-1 match of up to \$200 of contributions received after March 31 of a presidential election year. This additional match applies both to an initial contribution made after March 31 and to contributions from individuals who already gave \$200 or more prior to April 1.

The bill defines “contribution” as “a gift of money made by a written instrument which identifies the person making the contribution by full name and mailing address.”

(b) Eligibility for matching funds: Current law requires candidates to raise \$5,000 in matchable contributions (currently \$250 or less) in 20 states. To be eligible for matching funds under this bill, a candidate must raise \$25,000 of matchable contributions (up to \$200 per individual donor) in at least 20 states.

In addition, to receive matching funds in the primary, candidates must pledge to apply for public money in the general election if nominated and to not exceed the general election spending limits.

(c) Timing of payments: Current law makes matching funds available on January 1 of a presidential election year. The bill makes such funds available six months prior to the first state caucus or primary.

SECTION 3: REQUIRING PARTICIPATION IN PRIMARY PAYMENT SYSTEM AS CONDITION OF ELIGIBILITY FOR GENERAL ELECTIONS PAYMENTS

Currently, candidates can participate in either the primary or the general election public financing system, or both. Under the bill, a candidate must participate in the primary matching system in order to be eligible to receive public funds in the general election.

SECTION 4: REVISIONS TO EXPENDITURE LIMITS

(a) Spending limits for candidates: In 2004, under current law, candidates participating in the public funding system had to abide by

a primary election spending limit of about \$45 million and a general election spending limit of about \$75 million (all of which was public money). The bill sets a total primary spending ceiling for participating candidates in 2008 of \$150 million, of which only \$100 million can be spent before April 1. State by state spending limits are eliminated. The general election limit, which the major party candidates will receive in public funds, will be \$100 million.

(b) Spending limit for parties: Current law provides a single coordinated spending limit for national party committees based on population. In 2004 that limit was about \$15 million. The bill provides two limits of \$25 million. The first applies after April 1 until a candidate is nominated. The second limit kicks in after the nomination. Any part of the limit not spent before the nomination can be spent after. In addition, the party coordinated spending limit is eliminated entirely until the general election public funds are released if there is an active candidate from the opposing party who has exceeded the primary spending limits by more than 20%.

This will allow the party to support the presumptive nominee during the so-called “gap” between the end of the primaries and the conventions. The entire cost of a coordinated party communication is subject to the limit if any portion of that communication has to do with the presidential election.

(c) Inflation adjustment: Party and candidate spending limits will be indexed for inflation, with 2008 as the base year.

(d) Fundraising expenses: Under the bill, all the costs of fundraising by candidates are subject to their spending limits.

SECTION 5: ADDITIONAL PAYMENTS AND INCREASED EXPENDITURES LIMITS FOR CANDIDATES PARTICIPATING IN PUBLIC FINANCING WHO FACE CERTAIN NONPARTICIPATING OPPOSITIONS

(a) Primary candidates: When a participating candidate is opposed in a primary by a nonparticipating candidate who spends more than 120 percent of the primary spending limit (\$100 million prior to April 1 and \$150 million after April 1), the participating candidate will receive a 5-to-1 match, instead of a 4-to-1 match for contributions of less than \$200 per donor. That additional match applies to all contributions received by the participating candidate both before and after the nonparticipating candidate crosses the 120 percent threshold. In addition, the participating candidate’s primary spending limit is raised by \$50 million when a nonparticipating candidate spends more than the 120 percent of either the \$100 million (before April 1) or \$150 million (after April 1) limit. The limit is raised by another \$50 million if the nonparticipating candidate spends more than 120 percent of the increased limit. Thus, the maximum spending limit in the primary would be \$250 million if an opposing candidate has spent more than \$240 million.

(b) General election candidates: When a participating candidate is opposed in a general election by a nonparticipating candidate who spends more than 120 percent of the combined primary and general election spending limits, the participating candidate shall receive an additional grant of public money equal to the amount provided for that election—\$100 million in 2008. Minor party candidates are also eligible for an additional grant equal to the amount they otherwise receive (which is based on the performance of that party in the previous presidential election).

(c) Reporting and Certification: In order to provide for timely determination of a participating candidate’s eligibility for increased spending limits, matching funds,

and/or general election grants, non-participating candidates must notify the FEC within 24 hours after receiving contributions or making expenditures of greater than the applicable 120 percent threshold. Within 24 hours of receiving such a notice, the FEC will inform candidates participating in the system of their increased expenditure limits and will certify to the Secretary of the Treasury that participating candidates are eligible to receive additional payments.

SECTION 6: ESTABLISHMENT OF UNIFORM DATE FOR RELEASE OF PAYMENTS FROM PRESIDENTIAL ELECTIONS CAMPAIGN FUNDS TO ELIGIBLE CANDIDATES

Under current law, candidates participating in the system for the general election receive their grants of public money immediately after receiving the nomination of their party, meaning that the two major parties receive their grants on different dates. Under the bill, all candidates eligible to receive public money in the general election would receive that money on the Friday before Labor Day, unless a candidate’s formal nomination occurs later.

SECTION 7: REVISIONS TO DESIGNATION OF INCOME TAX PAYMENTS BY INDIVIDUAL TAXPAYERS

The tax check-off is increased from \$3 (individual) and \$6 (couple) to \$10 and \$20. The amount will be adjusted for inflation, and rounded to the nearest dollar, beginning in 2009.

The IRS shall require by regulation that electronic tax preparation software does not automatically accept or decline the tax checkoff. The FEC is required to inform and educate the public about the purpose of the Presidential Election Campaign Fund (“PECF”) and how to make a contribution. Funding for this program of up to \$10 million in a four year presidential election cycle, will come from the PECF.

SECTION 8: AMOUNTS IN PRESIDENTIAL ELECTION CAMPAIGN FUND

Under current law, in January of an election year if the Treasury Department determines that there are insufficient funds in the PECF to make the required payments to participating primary candidates, the party conventions, and the general election candidates, it must reduce the payments available to participating primary candidates and it cannot make up the shortfall from any other source until those funds come in. Under the bill, in making that determination the Department can include an estimate of the amount that will be received by the PECF during that election year, but the estimate cannot exceed the past three years’ average contribution to the fund. This will allow primary candidates to receive their full payments as long as a reasonable estimate of the funds that will come into the PECF that year will cover the general election candidate payments. The bill allows the Secretary of the Treasury to borrow the funds necessary to carry out the purposes of the fund during the first campaign cycle in which the bill is in effect.

SECTION 9: REGULATION OF CONVENTION FINANCING

Federal candidates and officeholders are prohibited from raising or spending soft money in connection with a nominating convention of any political party, including funds for a host committee, civic committee, or municipality.

SECTION 10: DISCLOSURE OF BUNDLED CONTRIBUTIONS

This section builds on the bundling disclosure provision of the Honest Leadership and Open Government Act of 2007 (“HLOGA”) to require presidential campaigns to disclose

the name, address, and employer of all individuals or groups that bundle contributions totaling more than \$50,000 in the four year election cycle. Individuals who are registered lobbyists would have to be separately identified. HLOGA's definition of bundling would apply to bundling disclosure by the presidential candidates, and no change is made to the requirements of HLOGA with respect to congressional campaigns.

SECTION 11: REPEAL OF PRIORITY IN USE OF FUNDS FOR POLITICAL CONVENTIONS

Current law gives the political parties priority on receiving the funds they are entitled to from the PECF. This means that parties get money for their conventions even if adequate funds are not available for participating candidates. This section would make funds available for the conventions only if all participating candidates have received the funds to which they are entitled.

SECTION 12: OFFSET

This section provides an offset for the increased cost of the presidential public funding system. The total increased cost is estimated to be \$365 million over four years. The bill (1) authorizes the Bureau of Land Management to implement new user fees for processing oil and gas permits; (2) increases the yearly maintenance fee and one-time location fee for holders of more than 10 mining claims on federal land to \$150 and \$50 per claim, respectively, and imposes a 4% royalty on the gross income from mining on existing claims; and (3) uses state formulas to set federal grazing fees.

SECTION 13: EFFECTIVE DATE

Provides that the amendments will apply to presidential elections occurring after January 1, 2009.

Ms. COLLINS. Mr. President. I rise to join my friend from Wisconsin, Senator FEINGOLD, in introducing the Presidential Funding Act of 2007.

It was 100 years ago that the reformer President Theodore Roosevelt proposed "a very radical measure" in his State of the Union message to Congress. He envisioned a system of campaign financing that would include a congressional appropriation to support national campaigns so that, as he said, "The need for collecting large campaign funds would vanish."

When the campaign financing reforms of the 1970s were enacted, it was hoped that we would draw closer to achieving Theodore Roosevelt's goal of funding the pursuit of our highest public office largely from public rather than private funds.

Our Presidential-campaign finance system still suffers from serious defects, however, and current events are dramatically highlighting the need for continued reform and improvement.

The current Presidential campaign is already shaping up as the most expensive election in history by far. Candidate after candidate has chosen to forego public funds due to fundamental flaws in the system. Fund-raising tallies have already shattered records. If a candidate decides to seek public funding, he or she risks running out of funds to counter candidates who can attract large amounts of private contributions.

Current estimates are that the 2008 contest for the Presidency of the U.S. will cost more than \$1 billion. Much of

that cost will be incurred in delivering messages to the electorate through advertising and publications of all sorts.

One billion dollars is a huge sum. Yet we cannot expect modern campaigns to be run on budgets that might have sufficed for William McKinley, whose successful 1896 campaign relied heavily on speeches from his front porch in Canton, Ohio, to admirers who came by train to hear him. This idyllic but limited approach to campaigning is long gone.

Unless we wish to return to the cynicism, influence peddling, and restricted suffrage of the 19th century, large expenditures on broadcasting and other media are essential for any campaign that hopes to prevail. That financial fact obliges candidates to spend a great deal of time appearing at exclusive, big-ticket fundraisers.

To allow candidates to spend less time raising money, Congress established a system of public funding for Presidential campaigns that started with the 1976 Presidential election. That system has not been substantially changed since 1984, and its limitations have only become more evident with time.

The central problem is that the system does not provide enough public funds to permit a credible contest against well-bankrolled candidates who have opted out of the public-financing system.

In November 2003, Governor Dean announced that he would opt out of public financing, saying "floods of special-interest money have forced us to abandon a broken system." Senator KERRY also felt obliged to opt out so that he could lend his campaign \$6 million rather than be restricted to the use of \$50,000 in personal funds.

Citing Senator Dole's campaign in 1996, Senator McCain's campaign in 2000, and Senator Edwards's campaign in 2004, the League of Women Voters has spoken of the public system's "devil's bargain" for candidates: "To get matching funds, they have to accept a spending limit that will leave them bankrupt if the contest continues into March. . . . With the underdogs boxed in by the limits, the frontrunners, and others who can afford it, have additional incentive to opt out."

The bill we introduce today would make a number of important changes.

The key provisions of the Presidential Funding Act of 2007 would increase the public match for primary-season contributions, make funds available earlier in the contest, tie the availability of public funding during the general-election campaign to a candidate's using it during the primary season, provide additional funds if a non-publicly funded opponent spends heavily, and update spending limits to more realistic levels.

All of these steps represent sensible and useful improvements in the campaign-finance system.

I recognize that some of our colleagues and some members of the pub-

lic are wary of taxpayer-supported funding for Presidential candidates. I can only respond that the alternative—a complete reliance on private contributions—is worse.

I would also reassure doubters that this bill is no giveaway or an inducement to fringe candidates of narrow appeal. Its provisions are predicated upon matches for individual contributions, not absolute grants, and it requires achieving significant levels of individual contributions in at least 20 States.

We all understand that the current system of public funding for campaigns has defects. The growing inclination of candidates to opt out of the system underscores that fact. The Presidential Funding Act of 2007 would cure some serious problems and help restore the appeal of public funding.

If enacted, this bill would take effect in January 2009. By moving toward virtually full realization of Theodore Roosevelt's "very radical measure," we can take a big step toward making the financing, the conduct, and the outcome of the 2012 presidential campaign a genuine source of pride for American citizens of all political affiliations.

By Mr. ENZI (for himself and Mrs. FEINSTEIN):

S. 2413. A bill to provide death and disability benefits for aerial firefighters who work on a contract basis for a public agency and suffer death or disability in the line of duty, and for other purposes; to the Committee on the Judiciary.

Mr. ENZI. Mr. President, the 2007 fire season was one of the worst in recent history. Millions of acres burned across America. The fires destroyed homes, and their damage is estimated in the hundreds of millions of dollars. These fires would have been worse, if not for the skill and bravery of the aerial firefighters who risked their lives to fight them.

Aerial firefighters take on the dangerous tasks of maneuvering aerial vehicles in and out of fire zones. Each time they step in a plane, their life is at risk. Unfortunately, while we expect aerial firefighters to risk their lives to help control fires, we refuse to provide their families with the knowledge that they will be made financially whole if their husband or wife dies in the line of duty.

This is because aerial firefighters do not qualify for death benefits under the Public Safety Officers' Benefit, PSOB, program, which provides financial and educational benefits to individuals serving a public safety agency in an official capacity, on a paid or volunteer basis. Currently, those receiving benefits include, but are not limited to, law enforcement officers, firefighters, emergency medical technicians, ambulance crew members, and corrections officers.

Senator FEINSTEIN and I say that these pilots do the same work and take on the same risks as other public safety officers. They should get the same

benefits. That is the reason that we have introduced the Aerial Firefighter Relief Act of 2007. This important legislation will remedy this problem and makes aerial firefighters eligible for death benefits.

The Department of Justice's Bureau of Justice Assistance, BJA, the agency that administers the PSOB, has ruled that aerial pilots are ineligible because they are contractors and not employed directly by the federal and state agencies involved in wildland fire management and suppression. The 1980 official finding that prohibits the pilots and their families from receiving benefits states that pilots are not "a 'public safety officer' as this term is defined in the PSOB ACT because [they are] not serving a public agency in an official capacity . . . as a fireman."

Unfortunately, pilots also often do not receive benefits from their employers. Federal agencies outsource air tanker missions to the lowest-cost private operators who do not provide benefits to keep their costs down. Some companies do offer a minimal amount of life insurance. However, it is expensive, both for the pilot and the contractor. In the "low cost" competitive bid situation they are in, the contractors cannot afford to add more expenses to the payroll or they reduce their chances of winning a fire suppression contract—and go out of business. Other forms of life insurance are also difficult to obtain because of the dangerous nature of aerial firefighting.

It is common sense legislation that deserves the support of my colleagues, and I am pleased to have Senator FEINSTEIN as an original cosponsor. In the coming months, I look forward to working with the appropriate committees to move this legislation forward so that our brave aerial firefighters can take to the skies knowing that their families will be taken care of if they pass away taking care of our country.

Mrs. FEINSTEIN. Mr. President, today I am pleased to cosponsor Senator ENZI's Aerial Firefighter Relief Act of 2007.

On August 27, 2001, a California pilot named Larry Groff took off from Ukiah in State Air Tanker 87, doing what he loved, flying and fighting fires.

Like thousands of contract firefighters hired by the Government, he figured that if anything ever happened to him, his family would be taken care of. But that day, while maneuvering above a north coast fire started by a couple of Hells Angels who had blown up their methamphetamine lab, Larry Groff died in a midair collision.

Faced with the prospect of raising their 6 children alone, his widow, Christine Wells-Groff, filed a claim under the Public Safety Officers' Benefit Program. This PSOB Program provides a lump-sum payoff to survivors of any "public safety officer," a term which can include not only actual government employees but also any volunteer or any person acting in a "similar relationship of performing services as part of a public agency."

At the time of his death, Larry Groff had been flying a State-operated air tanker. He was wearing a California Department of Forestry uniform. And after his death, the California agency for which he had worked issued an opinion stating that he was an officially recognized member of that agency. But he was also a contract employee.

Because of that, Ms. Wells-Groff's PSOB claim was initially denied by the Bureau of Justice Affairs, based on its opinion that contract employees cannot qualify for PSOB benefits. Ms. Wells-Groff then appealed, and she later convinced a trial court that despite being a contract employee, her husband had held a "similar relationship of performing services as part of a public agency," thereby qualifying him as a "public safety officer" entitled to PSOB benefits.

Unfortunately, on July 3, the U.S. Court of Appeals for the Federal Circuit reversed that decision. The appellate court agreed that Mr. Groff's facts might fall within the applicable regulation's key definition of a "similar relationship" but it said that the question of whether he had met this standard was not entirely clear and that it would defer to the Government's narrow interpretation of that language, absent further clarification from Congress.

Following this decision, Ms. Wells-Groff petitioned the Supreme Court to take her case. However, it is unclear if the Court will hear the case, let alone decide in her favor. So today, I want to go on record to support the policy that these contract employees should be entitled to the same PSOB benefits as other injured firefighters and volunteers.

The bill that Senator ENZI is introducing and that I am pleased to cosponsor will make it clear that survivors of aerial firefighters like Larry Groff who make the ultimate sacrifice should qualify for PSOB benefits. In addition, this legislation will clarify that the district court was right in the Wells-Groff case. Brave firefighters like Larry Groff, who regularly put their lives on the line in officially sanctioned aerial firefighting activities to protect us, do this country a great service.

This bill will clarify that when actually up in the air carrying out official firefighting missions, contract employees will be deemed to hold a "similar relationship of performing services as part of a public agency"—and meet the regulatory standard already in place—so that they are covered by the PSOB laws, and their survivors can receive the benefits they need and deserve.

I urge my colleagues to support this legislation.

By Mr. REID (for Mrs. CLINTON):

S. 2415. A bill to require the President and the Office of the Global AIDS Coordinator to establish a comprehensive and integrated HIV prevention

strategy to address the vulnerabilities of women and girls in countries for which the United States provides assistance to combat HIV/AIDS, and for other purposes; to the Committee on Foreign Relations.

Mrs. CLINTON. Mr. President, today I rise to introduce the Protection Against Transmission of HIV for Women and Youth, PATHWAY, Act of 2007, legislation that is a companion to the bill introduced by Representative BARBARA LEE.

Women and girls account for about half of the 33 million infections worldwide. But in the places that are hardest hit by epidemic, AIDS has a disproportionate impact upon women. In sub-Saharan Africa, women account for more than 60 percent of those living with HIV/AIDS. Young women account for 3 out of every 4 new HIV infections among sub-Saharan youth. Our prevention messages are not reaching youth—in studies completed in 17 countries in 2003, more than 75 percent of the young women surveyed could not identify ways to protect themselves against HIV infection.

Clearly, we need to do more to stem the rising tide of HIV infection in women, particularly in sub-Saharan Africa. But what doing more requires is an examination of the factors that contribute to women's vulnerability to HIV infection. There are links between gender-based violence and increased risk for HIV infection, links between lack of education and economic opportunity and increased risk for HIV infection, links between human trafficking and sexual exploitation and increased risk for HIV infection.

Unfortunately, our current policies do not allow us to take these factors into account. The law governing funding of the President's Emergency Plan for AIDS Relief, PEPFAR, requires 1/3 of all prevention funding to be spent on abstinence-until-marriage programs. In addition, a 2005 guidance from the Office of the Global AIDS Coordinator found that countries were directed to spend half of their prevention funds on sexual transmission prevention, with a full 2/3 of that funding to be spent on "abstinence and be faithful" programs, rather than comprehensive HIV prevention education efforts.

More than 40 percent of women in Africa and South Asia are married before the age of 18. Directing funding to abstinence-until-marriage programs fails to address their needs. Exhorting them to "be faithful" in relationships where they may not have control over their partners' behavior is short-sighted. Making it the official policy of the U.S. Government to restrict funding for efforts that could help these women learn about female-controlled prevention methods is unconscionable.

In 2003, President Bush pledged to prevent 7 million new HIV infections through PEPFAR. But we cannot let that promise go unmet due to ideology.

The legislation I am introducing today will lift restrictions on funding

for our prevention efforts. It will also require the President to develop and implement a coordinated, comprehensive HIV strategy to address gender disparities in HIV infection, with a focus on the stigma surrounding HIV, the links between gender-based violence and HIV infection, the ways in which increasing educational and economic opportunities for women can prevent HIV infection, and ways in which to improve access to female-controlled prevention methods. This strategy is a step forward—one that can ensure that the disproportionate risks faced by too many women are taken into account in our global AIDS efforts.

I look forward to working with my colleagues to ensure that women's vulnerability to HIV infection is addressed as we work to reauthorize PEPFAR.

By Mr. CASEY (for himself, Mr. GRASSLEY, and Mrs. FEINSTEIN):

S. 2418. A bill to ensure the safety of imported food products for the citizens of the United States, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. CASEY. Mr. President, I rise today to introduce the EAT SAFE Act of 2007. I am pleased to be joined by my colleague on the Agriculture Committee, Senator GRASSLEY, to introduce this important piece of food safety legislation.

As we have all seen this past year, in the wake of massive recalls of pet food manufactured using contaminated Chinese gluten and consumer warnings about the safety of various imported food products, ensuring the safety of food products and food ingredients being brought into this country from other nations has taken on a greater urgency.

A report issued in September by the President's Interagency Working Group on Import Safety acknowledged that "aspects of our present import system must be strengthened to promote security, safety, and trade for the benefit of American consumers." The EAT SAFE Act that we are introducing today is designed to address one of those critical aspects of the food and agricultural import system that, in the face of the mounting imported food safety crisis, has received little public focus. That issue is food and other agricultural products that are being smuggled into the U.S.

When many people think of food smuggling, they likely think of it as something that occurs when travelers attempt to bring small amounts of foreign food or agricultural products into the U.S. by concealing it in their vehicles, luggage, or other personal effects. While this type of smuggling is unquestionably a problem that U.S. authorities must and do address, the larger threat of smuggled food and agricultural products comes from the companies, importers, and individuals who circumvent U.S. inspection requirements or restrictions on imports of cer-

tain products from a particular country.

The ways in which these companies, importers, and individuals circumvent the system can happen in any number of ways. Many times smuggled products are intentionally mislabeled and bear the identification of a product that can legally enter the country. Other times, smuggled products gain import entry through falsifying the products' countries of origin. And, many times, products that have previously been denied entry are later "shopped around," that is, presented to another U.S. port of entry in the effort to gain importation undetected.

Just some examples of prohibited products discovered in commerce in the United States in recent years include duck parts from Vietnam and poultry products from China, both nations with confirmed human cases of avian influenza; unpasteurized raw cheeses from Mexico containing a bacterium that causes tuberculosis; strawberries from Mexico contaminated with hepatitis A; and mislabeled puffer fish from China containing a potentially deadly toxin. These smuggled food and agriculture products present safety risks to our food, plants, and animals, and pose a threat to our Nation's health, economy, and security.

The EAT SAFE Act addresses these serious risks by applying commonsense measures to protect our food and agricultural supply. This legislation authorizes funding for the U.S. Department of Agriculture and the Food and Drug Administration to bolster their efforts by hiring additional personnel to detect and track smuggled products. It also authorizes funding to provide food safety cross training for Homeland Security Agricultural Specialists and agricultural cross training for Customs' Border Patrol Agents to ensure that those men and women working on the front lines are knowledgeable about these serious food and agricultural threats.

In addition to focusing on increased personal and training, the EAT SAFE Act also seeks to increase importer accountability. The legislation requires private laboratories conducting tests on FDA-regulated products on behalf of importers to apply for and be certified by FDA. It also imposes civil penalties for laboratories or importers who knowingly or conspire to falsify imported product laboratory sampling and for importers who circumvent the USDA import reinspection system.

Finally, the EAT SAFE Act will also ensure increased public awareness of smuggled products, as well as recalled food products, by requiring the USDA and FDA to provide this information to the public in a timely and easily searchable manner.

These commonsense measures are an important first step towards safeguarding Americans' food and agricultural supply and ensuring our Nation's health, economy, and security.

I urge all of my colleagues to support this legislation.

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. 2418

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 "Ending Agricultural Threats: Safeguarding America's Food for Everyone (EAT SAFE) Act of 2007".

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

- Sec. 1. Short title; table of contents.
- Sec. 2. Findings.
- Sec. 3. Definitions.
- Sec. 4. Food safety training, personnel, and coordination.
- Sec. 5. Reporting of smuggled food products.
- Sec. 6. Civil penalties relating to illegally imported meat and poultry products.
- Sec. 7. Certification of food safety labs.
- Sec. 8. Data sharing.
- Sec. 9. Public notice regarding recalled food products.
- Sec. 10. Foodborne illness education and outreach competitive grants program.

SEC. 2. FINDINGS.

Congress finds that—

(1) the safety of the food supply of the United States is vital to—

(A) the health of the citizens of the United States;

(B) the preservation of the confidence of those citizens in the food supply of the United States; and

(C) the success of the food sector of the United States economy;

(2) the United States has the safest food supply in the world, and maintaining a secure domestic food supply is imperative for the national security of the United States;

(3) in a report published by the Government Accountability Office in January 2007, the Comptroller General of the United States described food safety oversight as 1 of the 29 high-risk program areas of the Federal Government; and

(4) the task of preserving the safety of the food supply of the United States is complicated by pressures relating to—

(A) food products that are smuggled or imported into the United States without being screened, monitored, or inspected as required by law; and

(B) the need to improve the enforcement of the United States in reducing the quantity of food products that are—

(i) smuggled into the United States; and

(ii) imported into the United States without being screened, monitored, or inspected as required by law.

SEC. 3. DEFINITIONS.

In this Act:

(1) **ADMINISTRATION.**—The term "Administration" means the Food and Drug Administration.

(2) **ADMINISTRATOR.**—The term "Administrator" means the Administrator of the Animal and Plant Health Inspection Service.

(3) **DEPARTMENT.**—The term "Department" means the Department of Agriculture.

(4) **FOOD DEFENSE THREAT.**—The term "food defense threat" means any intentional contamination, including any disease, pest, or poisonous agent, that could adversely affect the safety of human or animal food products.

(5) **SMUGGLED FOOD PRODUCT.**—The term "smuggled food product" means a prohibited

human or animal food product that a person fraudulently brings into the United States.

(6) SECRETARY.—The term “Secretary” means the Secretary of Agriculture.

SEC. 4. FOOD SAFETY TRAINING, PERSONNEL, AND COORDINATION.

(a) DEPARTMENT.—

(1) TRAINING PROGRAMS.—

(A) AGRICULTURAL SPECIALISTS.—

(i) ESTABLISHMENT.—The Secretary shall establish training programs to educate each Federal employee who is employed in a position described in section 421(g) of the Homeland Security Act of 2002 (6 U.S.C. 231(g)) on issues relating to food safety and agroterrorism.

(ii) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subparagraph \$1,700,000.

(B) CROSS-TRAINING OF EMPLOYEES OF UNITED STATES CUSTOMS AND BORDER PROTECTION.—

(i) ESTABLISHMENT.—The Secretary shall establish training programs to educate border patrol agents employed by the United States Customs and Border Protection of the Department of Homeland Security about identifying human, animal, and plant health threats and referring the threats to the appropriate agencies.

(ii) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subparagraph \$4,800,000.

(2) ILLEGAL IMPORT DETECTION PERSONNEL.—Subtitle G of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 6981 et seq.) is amended by adding at the end the following:

“SEC. 263. FOOD SAFETY PERSONNEL AND TRAINING.

“(a) ADDITIONAL EMPLOYEES.—Not later than 2 years after the date of enactment of the Ending Agricultural Threats: Safeguarding America’s Food for Everyone (EAT SAFE) Act of 2007, the Secretary shall hire a sufficient number of employees to increase the number of full-time field investigators, import surveillance officers, support staff, analysts, and compliance and enforcement experts employed by the Food Safety and Inspection Service as of October 1, 2007, by 100 employees, in order to—

“(1) provide additional detection of food defense threats;

“(2) detect, track, and remove smuggled human food products from commerce; and

“(3) impose penalties on persons or organizations that threaten the food supply.

“(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$10,000,000.”

(b) ADMINISTRATION.—Chapter IV of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 341 et seq.) is amended by adding at the end the following:

“SEC. 417. FOOD SAFETY PERSONNEL AND TRAINING.

“(a) IN GENERAL.—Not later than 2 years after the date of enactment of the Ending Agricultural Threats: Safeguarding America’s Food for Everyone (EAT SAFE) Act of 2007, the Administration shall hire a sufficient number of employees to increase the number of full-time field investigators, import surveillance officers, support staff, analysts, and compliance and enforcement experts employed by the Administration as of October 1, 2007, by 150 employees, in order to—

“(1) provide additional detection of food defense threats;

“(2) detect, track, and remove smuggled food products from commerce; and

“(3) impose penalties on persons or organizations that threaten the food supply.

“(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$15,000,000.”

(c) COORDINATION OF FEDERAL AGENCIES.—Section 411(b) of the Homeland Security Act of 2002 (6 U.S.C. 211(b)) is amended by adding at the end the following:

“(4) COORDINATION OF FEDERAL AGENCIES.—The Commissioner of United States Customs and Border Protection, in coordination with the Secretary of Agriculture and the Commissioner of Food and Drugs, shall conduct activities to target, track, and inspect shipments that—

“(A) contain human and animal food products; and

“(B) are imported into the United States.”.

SEC. 5. REPORTING OF SMUGGLED FOOD PRODUCTS.

(a) DEPARTMENT.—

(1) PUBLIC NOTIFICATION.—

(A) IN GENERAL.—Not later than 3 days after the date on which the Department identifies a smuggled food product, the Secretary shall provide to the public notification describing the food product identified by the Department and, if available, the individual or entity that smuggled the food product.

(B) REQUIRED FORMS OF NOTIFICATION.—The Secretary shall provide public notification under subparagraph (A) through—

(i) a news release of the Department for each smuggled food product identified by the Department;

(ii) a description of each smuggled food product on the website of the Department;

(iii) the management of a periodically updated list that contains a description of each individual or entity that smuggled the food product identified by the Secretary under subparagraph (A); and

(iv) any other appropriate means, as determined by the Secretary.

(2) NOTIFICATION TO DEPARTMENT OF HOMELAND SECURITY.—Not later than 30 days after the date on which the Department identifies a smuggled food product, the Secretary shall provide to the Department of Homeland Security notification of the smuggled food product.

(b) ADMINISTRATION.—

(1) PUBLIC NOTIFICATION.—

(A) IN GENERAL.—Not later than 3 days after the date on which the Administration identifies a smuggled food product, the Secretary of Health and Human Services shall provide to the public notification describing the smuggled food product identified by the Administration and, if available, the individual or entity that smuggled the food product.

(B) REQUIRED FORMS OF NOTIFICATION.—The Secretary of Health and Human Services shall provide public notification under subparagraph (A) through—

(i) a press release of the Administration for each smuggled food product identified by the Administration;

(ii) a description of each smuggled food product on the website of the Administration;

(iii) the management of a periodically updated list that contains a description of each individual or entity that smuggled the food product identified by the Secretary of Health and Human Services under subparagraph (A); and

(iv) any other appropriate means, as determined by the Secretary of Health and Human Services.

(2) NOTIFICATION TO DEPARTMENT OF HOMELAND SECURITY.—Not later than 30 days after the date on which the Administration identifies a smuggled food product, the Secretary of Health and Human Services shall provide to the Department of Homeland Security notification of the smuggled food product.

SEC. 6. CIVIL PENALTIES RELATING TO ILLEGALLY IMPORTED MEAT AND POULTRY PRODUCTS.

(a) MEAT PRODUCTS.—Section 20(b) of the Federal Meat Inspection Act (21 U.S.C. 620(b)) is amended—

(1) by striking “(b) The Secretary” and inserting the following:

“(b) DESTRUCTION; CIVIL PENALTIES.—

“(1) DESTRUCTION.—The Secretary”; and

(2) by adding at the end the following:

“(2) CIVIL PENALTIES.—Each individual or entity that fails to present each meat article that is the subject of the importation of the individual or entity to an inspection facility approved by the Secretary shall be liable for a civil penalty assessed by the Secretary in an amount not to exceed \$25,000 for each meat article that the individual or entity fails to present to the inspection facility.”.

(b) POULTRY PRODUCTS.—Section 12 of the Poultry Products Inspection Act (21 U.S.C. 461) is amended—

(1) by striking the section heading and all that follows through “(a) Any person” and inserting the following:

“SEC. 12. PENALTIES.

“(a) PENALTIES RELATING TO THE VIOLATION OF CERTAIN SECTIONS.—

“(1) IN GENERAL.—Any person”; and

(2) in subsection (a) (as amended by paragraph (1)), by adding at the end the following:

“(2) FAILURE TO PRESENT POULTRY PRODUCTS AT DESIGNATED INSPECTION FACILITIES.—Each individual or entity that fails to present each poultry product that is the subject of the importation of the individual or entity to an inspection facility approved by the Secretary shall be liable for a civil penalty assessed by the Secretary in an amount not to exceed \$25,000 for each poultry product that the individual or entity fails to present to the inspection facility.”.

(c) EGG PRODUCTS.—Section 12 of the Egg Products Inspection Act (21 U.S.C. 1041) is amended—

(1) by striking the section heading and all that follows through “(a) Any person” and inserting the following:

“SEC. 12. PENALTIES.

“(a) PENALTIES RELATING TO THE VIOLATION OF CERTAIN PROHIBITED ACTIONS.—

“(1) IN GENERAL.—Any person”; and

(2) in subsection (a) (as amended by paragraph (1)), by adding at the end the following:

“(2) FAILURE TO PRESENT EGG PRODUCTS AT DESIGNATED INSPECTION FACILITIES.—Each individual or entity that fails to present each egg product that is the subject of the importation of the individual or entity to an inspection facility approved by the Secretary shall be liable for a civil penalty assessed by the Secretary in an amount not to exceed \$25,000 for each egg product that the individual or entity fails to present to the inspection facility.”.

SEC. 7. CERTIFICATION OF FOOD SAFETY LABS; SUBMISSION OF TEST RESULTS.

(a) IN GENERAL.—Chapter IV of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 341 et seq.), as amended by section 4(b), is amended by adding at the end the following:

“SEC. 418. CERTIFICATION OF FOOD SAFETY LABS; SUBMISSION OF TEST RESULTS.

“(a) DEFINITION OF FOOD SAFETY LAB.—In this section, the term ‘food safety lab’ means an establishment that conducts testing, on behalf of an importer through a contract or other arrangement, to ensure the safety of articles of food.

“(b) CERTIFICATION REQUIREMENT.—

“(1) IN GENERAL.—A food safety lab shall submit to the Secretary an application for certification. Upon review, the Secretary

may grant or deny certification to the food safety lab.

“(2) CERTIFICATION STANDARDS.—The Secretary shall establish criteria and methodologies for the evaluation of applications for certification submitted under paragraph (1). Such criteria shall include the requirements that a food safety lab—

“(A) be accredited as being in compliance with standards set by the International Organization for Standardization;

“(B) agree to permit the Secretary to conduct an inspection of the facilities of the food safety lab and the procedures of such lab before making a certification determination;

“(C) agree to permit the Secretary to conduct routine audits of the facilities of the food safety lab to ensure ongoing compliance with accreditation and certification requirements;

“(D) submit with such application a fee established by the Secretary in an amount sufficient to cover the cost of application review, including inspection under subparagraph (B); and

“(E) agree to submit to the Secretary, in accordance with the process established under subsection (c), the results of tests conducted by such food safety lab on behalf of an importer.

“(c) SUBMISSION OF TEST RESULTS.—The Secretary shall establish a process by which a food safety lab certified under this section shall submit to the Secretary the results of all tests conducted by such food safety lab on behalf of an importer.”

(b) ENFORCEMENT.—Section 303(f) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 333(f)) is amended—

(1) by redesignating paragraphs (3), (4), and (5) as paragraphs (5), (6), and (7), respectively;

(2) by inserting after paragraph (2) the following:

“(3) An importer (as defined in section 418) shall be subject to a civil penalty in an amount not to exceed \$25,000 if such importer knowingly engages in the falsification of test results submitted to the Secretary by a food safety lab certified under section 418.

“(4) A food safety lab certified under section 418 shall be subject to a civil penalty in an amount not to exceed \$25,000 for knowingly submitting to the Secretary false test results under section 418.”

(3) in paragraph (2)(C), by striking “paragraph (3)(A)” and inserting “paragraph (5)(A)”;

(4) in paragraph (4), as so redesignated, by striking “paragraph (1) or (2)” each place it appears and inserting “paragraph (1), (2), (3), or (4)”;

(5) in paragraph (6), as so redesignated, by striking “paragraph (4)” each place it appears and inserting “paragraph (6)”.

SEC. 8. DATA SHARING.

(a) DEPARTMENT OF AGRICULTURE MEMORANDA OF UNDERSTANDING.—The Secretary shall ensure that the agencies within the Department of Agriculture, including the Food Safety and Inspection Service, the Agricultural Research Service, and the Animal and Plant Health Inspection Service, enter into a memorandum of understanding to ensure the timely and efficient sharing of all information collected by such agencies related to foodborne pathogens, contaminants, and illnesses.

(b) INTERAGENCY MEMORANDUM OF UNDERSTANDING.—The Secretary, in collaboration with the Secretary of Health and Human Services, shall enter into a memorandum of understanding between the agencies within the Department of Agriculture, including those described in subsection (a), and the agencies within the Department of Health

and Human Services, including the Centers for Disease Control and Prevention and the Food and Drug Administration, to ensure the timely and efficient sharing of all information collected by such agencies related to foodborne pathogens, contaminants, and illnesses.

SEC. 9. PUBLIC NOTICE REGARDING RECALLED FOOD PRODUCTS.

(a) DEPARTMENT.—

(1) NEWS RELEASES REGARDING RECALLED FOOD PRODUCTS.—

(A) IN GENERAL.—On the date on which a human or animal food product regulated by the Department is voluntarily recalled, the Secretary shall provide to the public a news release describing the human or animal food product.

(B) CONTENTS.—Each news release described in subparagraph (A) shall contain a comprehensive list of each human and animal food product regulated by the Department that is voluntarily recalled.

(2) WEBSITE.—The Secretary shall modify the website of the Department to contain—

(A) not later than 1 business day after the date on which a human or animal food product regulated by the Department is voluntarily recalled, a news release describing the human or animal food product;

(B) if available, an image of each human and animal food product that is the subject of a news release described in subparagraph (A); and

(C) not later than 90 days after the date of enactment of this Act, a search engine that—

(i) is consumer-friendly, as determined by the Secretary; and

(ii) provides a means by which an individual could locate each human and animal food product regulated by the Department that is voluntarily recalled.

(3) STATE-ISSUED AND INDUSTRY PRESS RELEASES.—To meet the requirement under paragraph (1)(A), the Secretary—

(A) may provide to the public a press release issued by a State; and

(B) shall not provide to the public a press release issued by a private industry entity in lieu of a press release issued by the Federal Government or a State.

(4) PROHIBITION ON DELEGATION OF DUTY.—The Secretary may not delegate, by contract or otherwise, the duty of the Secretary—

(A) to provide to the public a news release under paragraph (1); and

(B) to make any required modification to the website of the Department under paragraph (2).

(b) ADMINISTRATION.—

(1) PRESS RELEASES REGARDING RECALLED FOOD PRODUCTS.—

(A) IN GENERAL.—On the date on which a human or animal food product regulated by the Administration is voluntarily recalled, the Secretary of Health and Human Services shall provide to the public a press release describing the human or animal food product.

(B) CONTENTS.—Each press release described in subparagraph (A) shall contain a comprehensive list of each human and animal food product regulated by the Administration that is voluntarily recalled.

(2) WEBSITE.—The Secretary of Health and Human Services shall modify the website of the Administration to contain—

(A) not later than 1 business day after the date on which a human or animal food product regulated by the Administration is voluntarily recalled a press release describing the human or animal food product;

(B) if available, an image of each human and animal food product that is the subject of a press release described in subparagraph (A); and

(C) not later than 90 days after the date of enactment of this Act, a search engine that—

(i) is consumer-friendly, as determined by the Secretary of Health and Human Services; and

(ii) provides a means by which an individual could locate each human and animal food product regulated by the Administration that is voluntarily recalled.

(3) STATE-ISSUED AND INDUSTRY PRESS RELEASES.—For purposes of meeting the requirement under paragraph (1)(A), the Secretary of Health and Human Services—

(A) may provide to the public a press release issued by a State; and

(B) may not provide to the public a press release issued by a private industry entity in lieu of a press release issued by a State or the Federal Government.

(4) PROHIBITION ON DELEGATION OF DUTY.—The Secretary of Health and Human Services may not delegate, by contract or otherwise, the duty of the Secretary of Health and Human Services—

(A) to provide to the public a press release under paragraph (1); and

(B) to make any required modification to the website of the Administration under paragraph (2).

SEC. 10. FOODBORNE ILLNESS EDUCATION AND OUTREACH COMPETITIVE GRANTS PROGRAM.

Title IV of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7621 et seq.) is amended by adding at the end the following:

“SEC. 412. FOODBORNE ILLNESS EDUCATION AND OUTREACH COMPETITIVE GRANTS PROGRAM.

“(a) DEFINITIONS.—In this section:

“(1) ADMINISTRATOR.—The term ‘Administrator’ means the Administrator of the Food Safety and Inspection Service.

“(2) COMMISSIONER.—The term ‘Commissioner’ means the Commissioner of Food and Drugs.

“(3) ELIGIBLE ENTITY.—The term ‘eligible entity’ means—

“(A) the government of a State (including a political subdivision of a State);

“(B) an educational institution;

“(C) a private for-profit organization;

“(D) a private non-profit organization; and

“(E) any other appropriate individual or entity, as determined by the Secretary.

“(b) ESTABLISHMENT.—The Secretary (acting through the Administrator of the Cooperative State Research, Education, and Extension Service), in consultation with the Administrator and the Commissioner, shall establish and administer a competitive grant program to provide grants to eligible entities to enable the eligible entities to carry out educational outreach partnerships and programs to provide to health providers, patients, and consumers information to enable those individuals and entities—

“(1) to recognize—

“(A) foodborne illness as a serious public health issue; and

“(B) each symptom of foodborne illness to ensure the proper treatment of foodborne illness;

“(2) to understand—

“(A) the potential for contamination of human and animal food products during each phase of the production of human and animal food products; and

“(B) the importance of using techniques that help ensure the safe handling of human and animal food products; and

“(3) to assess the risk of foodborne illness to ensure the proper selection by consumers of human and animal food products.

“(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$3,500,000 for fiscal year 2008 and each fiscal year thereafter.”

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 388—DESIGNATING THE WEEK OF FEBRUARY 4 THROUGH FEBRUARY 8, 2008, AS “NATIONAL TEEN DATING VIOLENCE AWARENESS AND PREVENTION WEEK”

Mr. CRAPO (for himself, Mrs. CLINTON, Mr. LIEBERMAN, Ms. MURKOWSKI, and Mr. BIDEN) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 388

Whereas 1 in 3 female teenagers in a dating relationship has feared for her physical safety;

Whereas 1 in 2 teenagers in a serious relationship has compromised personal beliefs to please a partner;

Whereas 1 in 5 teenagers in a serious relationship reports having been hit, slapped, or pushed by a partner;

Whereas 27 percent of teenagers have been in dating relationships in which their partners called them names or put them down;

Whereas 29 percent of girls who have been in a relationship said that they have been pressured to have sex or to engage in sexual activities that they did not want;

Whereas technologies such as cell phones and the Internet have made dating abuse both more pervasive and more hidden;

Whereas 30 percent of teenagers who have been in a dating relationship say that they have been text-messaged between 10 and 30 times per hour by a partner seeking to find out where they are, what they are doing, or who they are with;

Whereas 72 percent of teenagers who reported they'd been checked up on by a boyfriend or girlfriend 10 times per hour by email or text messaging did not tell their parents;

Whereas parents are largely unaware of the cell phone and Internet harassment experienced by teenagers;

Whereas Native American women experience higher rates of interpersonal violence than any other population group;

Whereas violent relationships in adolescence can have serious ramifications for victims, putting them at higher risk for substance abuse, eating disorders, risky sexual behavior, suicide, and adult revictimization;

Whereas the severity of violence among intimate partners has been shown to be greater in cases where the pattern of violence has been established in adolescence; and

Whereas the establishment of National Teen Dating Violence Awareness and Prevention Week will benefit schools, communities, and families regardless of socio-economic status, race, or sex: Now, therefore be it

Resolved, That the Senate—

(1) designates the week of February 4 through February 8, 2008, as “National Teen Dating Violence Awareness and Prevention Week”; and

(2) calls upon the people of the United States, high schools, law enforcement, State and local officials, and interested groups to observe National Teen Dating Violence Awareness and Prevention Week with appropriate programs and activities that promote awareness and prevention of the crime of teen dating violence in their communities.

SENATE RESOLUTION 389—COMMEMORATING THE 25TH ANNIVERSARY OF THE UNITED STATES AIR FORCE SPACE COMMAND HEADQUARTERED AT PETERSON AIR FORCE BASE, COLORADO

Mr. ALLARD (for himself, Mr. SALAZAR, Mr. TESTER, Mr. ISAKSON, Ms. COLLINS, Mrs. HUTCHISON, Mr. COCHRAN, Mr. HAGEL, Mr. CONRAD, Mr. DORGAN, Mr. DOMENICI, Mr. HATCH, Mr. CHAMBLISS, Mr. INHOFE, and Mrs. FEINSTEIN) submitted the following resolution; which was referred to the Committee on Armed Services:

S. RES. 389

Whereas, on September 1, 1982, the United States Air Force created the United States Air Force Space Command to defend North America through its space and intercontinental ballistic missile operations;

Whereas 2007 marks the 25th year of excellence and service of Air Force Space Command to the United States of America;

Whereas the mission of Air Force Space Command is to deliver trained and ready airmen with unrivaled space capabilities to defend the United States;

Whereas Air Force Space Command organizes, trains, and equips forces to supply combatant commanders with the space and intercontinental ballistic missile capabilities to defend the United States and its national interests;

Whereas Air Force Space Command's Ground-based radar and Defense Support Program satellites monitor ballistic missile launches around the world to guard against a surprise missile attack on North America;

Whereas Air Force Space Command provides a significant portion of United States Strategic Command's war fighting capabilities, including missile warning, strategic deterrence, and space-based surveillance capabilities;

Whereas Air Force Space Command space radar provide vital information on the location of satellites and space debris for the Nation and the world;

Whereas the current war on terror requires extensive use of space-based communications, global positioning systems, and meteorological data to effectively prosecute military operations;

Whereas Air Force Space Command provides war fighters with “high ground” through satellite communications and positioning and timing data for ground and air operations and weapons delivery;

Whereas Air Force Space Command deployed helicopters to the Gulf Coast region during the aftermath of Hurricane Katrina to deliver meals, water, and medical supplies and to conduct search and rescue operations;

Whereas the work done by the men and women of Air Force Space Command is vital to our military, making the Nation more combat effective and helping save lives every day; and

Whereas Air Force Space Command advocates space capabilities and systems for all unified commands and military services, and collectively provides space capabilities America needs today and in the future: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the contributions made by Air Force Space Command to the security of the United States; and

(2) commemorates Air Force Space Command's 25 years of excellence and service to the Nation.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3803. Mr. MCCONNELL 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.

TEXT OF AMENDMENTS

SA 3803. Mr. MCCONNELL 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 appropriate place, insert the following:

SEC. . ASSET TREATMENT OF HORSES.

(a) 3-YEAR DEPRECIATION FOR ALL RACE HORSES.—

(1) IN GENERAL.—Clause (i) of section 168(e)(3)(A) of the Internal Revenue Code of 1986 (relating to 3-year property) is amended to read as follows:

“(i) any race horse.”.

(2) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service on or after the date of the enactment of this Act.

(b) REDUCTION OF HOLDING PERIOD TO 12 MONTHS FOR PURPOSES OF DETERMINING WHETHER HORSES ARE SECTION 1231 ASSETS.—

(1) IN GENERAL.—Subparagraph (A) of section 1231(b)(3) of the Internal Revenue Code of 1986 (relating to definition of livestock) is amended by striking “and horses”.

(2) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2007.

SEC. . ELMINATION OF PRIVATE PAYMENT TEST FOR PROFESSIONAL SPORTS FACILITY BONDS.

(a) IN GENERAL.—Section 141(a) (defining private activity bond) is amended by adding at the end the following new flush sentence: “In the case of any professional sports facility bond, paragraph (1) shall be applied without regard to subparagraph (B) thereof.”.

(b) PROFESSIONAL SPORTS FACILITY BOND DEFINED.—Section 141 is amended by adding at the end the following new subsection:

“(f) PROFESSIONAL SPORTS FACILITY BOND.—For purposes of subsection (a)—

“(1) IN GENERAL.—The term ‘professional sports facility bond’ means any bond issued as part of an issue any portion of the proceeds of which are to be used to provide a professional sports facility.

“(2) PROFESSIONAL SPORTS FACILITY.—The term ‘professional sports facility’ means real property and related improvements used, in whole or in part, for professional sports, professional sports exhibitions, professional games, or professional training.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to bonds issued after the date of the enactment of this Act, other than bonds with respect to which a resolution was issued by an issuer or conduit borrower before January 24, 2007.

NOTICE OF INTENT TO OBJECT TO PROCEEDING

Mr. CRAIG. Mr. President, I wish to notify the Senate of my intent to object to proceeding to S. 311, a bill to

amend the Horse Protection Act to prohibit the shipping, transporting, moving, delivering, receiving, possessing, purchasing, selling, or donation of horses and other equines to be slaughtered for human consumption, and for other purposes.

The bill would prohibit the shipping, transporting, moving, delivering, receiving, possessing, purchasing, selling, or donation of horses and other equines to be slaughtered for human consumption. In short, it would further limit the already limited options for disposal of unwanted horses.

An unwanted horse is one that has reached the useful end of its economic or recreational life. There are numerous reasons for the existence of unwanted horses, not the least of which are economic reasons such as loss of job, price of feed or stabling, relocation, poor health of the horse or its owner.

It must be recognized that no one has adequately addressed the fate of the estimated 90,000 unwanted horses that were formerly slaughtered on an annual basis. Animal welfare groups and rescue organizations can only do so much to shoulder the load of aiding the adoption or care of these horses. They are currently stretched to capacity, and we expect an increase in need. As a result, we are witnessing a significant increase in abandonment and neglect of horses in this country. Particularly in the West, growing numbers of unwanted horses are being dumped on public or private rangelands.

I believe that we should take the time to examine this growing issue of the unwanted horse before passing legislation that ties the hands of horse owners, public and private land managers, and others.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. DORGAN. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on Wednesday, December 5, 2007 at 9 a.m. in room 406 of the Dirksen Senate Office Building in order to conduct a business meeting to consider the following items: amendment in the Nature of a Substitute, Lieberman-Warner Climate Security Act of 2007, S. 2191.

Pending nominations: John S. Bresland, of New Jersey, to be a Member of the Chemical Safety and Hazard Investigation Board; John S. Bresland, of New Jersey, to be Chairperson of the Chemical Safety and Hazard Investigation Board; C. Russell H. Shearer, of Delaware, to be a Member of the Chemical Safety and Hazard Investigation Board; William H. Graves, of Tennessee, to be a Member of the Board of Directors of the Tennessee Valley Authority; Susan Richardson Williams, of Tennessee, to be a Member of the

Board of Directors of the Tennessee Valley Authority; and Thomas C. Gilliland, of Georgia, to be a Member of the Board of Directors of the Tennessee Valley Authority.

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

COMMITTEE ON THE JUDICIARY

Mr. DORGAN. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary be authorized to meet during the session of the Senate in order to conduct a hearing entitled "Reauthorization of the Juvenile Justice and Delinquency Prevention Act: Protecting Our Children and Our Communities" on Wednesday, December 5, 2007 at 10 a.m. in room SD-226 of the Dirksen Senate Office Building.

Witness list:

J. Robert Flores, Administrator, Office of Juvenile Justice and Delinquency Prevention, U.S. Department of Justice, Washington, DC; Shay Bilchik, Founder and Director, Center for Juvenile Justice Reform, Georgetown University Public Policy Institute, Washington, DC; Deirdre Wilson Garton, Chair, Governor's Juvenile Justice Commission, Madison, WI; Ann Marie Ambrose, Director, Bureau of Child Welfare and Juvenile Justice Services, Harrisburg, PA; Richard Miranda, Chief, Tucson Police Department, Tucson, AZ.

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

COMMITTEE ON THE JUDICIARY

Mr. DORGAN. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary be authorized to meet during the session of the Senate in order to conduct a hearing entitled "The Looming Foreclosure Crisis: How To Help Families Save Their Homes" on Wednesday, December 5, 2007 at 2:30 p.m. in room SD-226 of the Dirksen Senate Office Building.

Witness list:

Nettie McGee, Chicago, IL; Mark Zandi, Chief Economist, Moody's Economy.com, Inc., West Chester, PA; Mortgage Industry Witness TBD; Professor Mark Scarberry, Resident Scholar, American Bankruptcy Institute, Washington, DC; The Honorable Jacqueline P. Cox, United States Bankruptcy Judge, United States Bankruptcy Court for the Northern District of Illinois, Chicago, IL; The Honorable Thomas Bennett, United States Bankruptcy Judge, United States Bankruptcy Court for the Northern District of Alabama, Birmingham, AL; Henry J. Sommer, President, National Association of Consumer Bankruptcy Attorneys, Philadelphia, PA.

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

COMMITTEE ON VETERANS' AFFAIRS

Mr. DORGAN. Mr. President, I ask unanimous consent for the Committee on Veterans' Affairs to be authorized to meet during the session of the Senate on Wednesday, December 5, in order

to conduct a hearing on the Nomination of James Peake to be Secretary of Veterans Affairs. The Committee will meet in room SDG-50 of the Dirksen Senate Office Building, at 9:30 a.m.

SELECT COMMITTEE ON INTELLIGENCE

Mr. DORGAN. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on December 5, 2007 at 3 p.m. to hold a closed conference on the fiscal year 2008 Intelligence Authorization.

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

SPECIAL COMMITTEE ON AGING

Mr. DORGAN. Mr. President, I ask unanimous consent that the Special Committee on Aging be authorized to meet today, Wednesday, December 5, 2007 from 10:30 a.m. to 12:30 p.m. in Dirksen 106 for the purpose of conducting a hearing concerning the elderly who have been displaced by war, poverty, and persecution abroad.

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

PRIVILEGE OF THE FLOOR

Mr. WYDEN. I ask unanimous consent that privileges of the floor be granted to my legislative aide, Jacquelyn Elder.

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

MEASURE READ THE FIRST TIME—S. 2416

Mr. MENENDEZ. Madam President, I understand there is a bill at the desk, and I ask for its first reading.

The PRESIDING OFFICER (Ms. CANTWELL). The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 2416) to amend the Internal Revenue Code of 1986 to repeal the alternative minimum tax on individuals and replace it with an alternative tax individuals may choose.

Mr. MENENDEZ. Madam President, I now ask for a second reading, and in order to place the bill on the calendar under the provisions of rule XIV, I object to my own request.

The PRESIDING OFFICER. Objection is heard.

ORDERS FOR THURSDAY, DECEMBER 6, 2007

Mr. MENENDEZ. Madam President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 10:30 a.m., Thursday, December 6; that on Thursday, following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour deemed expired, the time for the two leaders be reserved for their use later in the day; that there be an hour of debate prior to a vote on the motion to invoke cloture on the motion to proceed to H.R. 3996, with the time equally divided and controlled between the leaders or their

designees; that the 20 minutes immediately prior to the cloture vote be divided 10 minutes each for the leaders and the majority leader controlling the final 10 minutes; that upon the use or yielding back of time, without further intervening action, the Senate proceed to vote on the motion to invoke cloture on the motion to proceed.

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

PROGRAM

Mr. MENENDEZ. Madam President, as a reminder, cloture was filed on the Harkin substitute to the farm bill. Therefore, if Members have amendments on the list of amendments in order to the bill, they should have germane first-degree amendments filed at the desk by 1 p.m. tomorrow. However, if amendments have already been filed, there is no need to refile at this time.

ORDER FOR ADJOURNMENT

Mr. MENENDEZ. Madam President, if there is no further business to come before the Senate, I ask unanimous consent that following the remarks of Senator THUNE for up to 15 minutes, the Senate then stand adjourned under the previous order.

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

Mr. MENENDEZ. Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from South Dakota.

THE FARM BILL

Mr. THUNE. Madam President, for the past 5 weeks now, my colleagues and I have spent literally hours on the Senate floor talking about the 2007 farm bill. Unfortunately, talking about the farm bill for over 5 weeks is all we have done. We could have spent all the days and hours since November 5 productively debating this farm bill. Instead, the distinguished leader on the other side of the aisle made a decision the very first day of the farm bill debate when the farm bill was brought to the floor and the debate ensued to not allow any amendments to reach the floor. Not one single farm bill amendment has been discussed.

Farm bill authority spans 5 years. This legislation impacts every man, woman, and child in America. My colleagues in the minority, who are not members of the Agriculture Committee and who have not had an opportunity to help craft this legislation, deserve a chance to offer their suggested changes.

The farm bill before us totals 1,600 pages. It reauthorizes over \$280 billion in spending on commodity, conservation, nutrition, trade, energy, and rural development programs. This bill is far too important to be held hostage by partisan tactics. However, the majority leader made a decision, as I said,

nearly 2 weeks ago, to prohibit amendments from being offered to this landmark legislation.

I am a member of the Senate Agriculture Committee, and I am proud of the farm bill we passed out of the committee. I give Chairman HARKIN and the ranking member, Senator CHAMBLISS, great credit. I believe they deserve to be given great credit for the efforts they made in committee deliberation. The members of the committee held an open and productive debate. Several amendments were offered, debated, and voted on. At the end of the day, Senate Democrats and Republicans set aside their differences and reported out a bill to meet America's food and energy needs over the next 5 years.

Is the committee-reported bill perfect? No, of course not. But that being said, my colleagues all deserve an opportunity to offer their amendments to the farm bill. There are only 21 of us who serve on the Senate Agriculture Committee, 11 Democrats, 10 Republicans. Senator DOMENICI, Senator NELSON, and I authored an amendment that would add an increased renewable fuels standard to the 2007 farm bill on the floor because it didn't get added in the committee and because there were questions about whether an energy bill was ultimately going to pass the Senate. Therefore, we thought it would be good to improve and strengthen the energy title of the farm bill by adding the RFS to the farm bill. That is one of the amendments that, of course, could be debated if, in fact, there were an open debate process.

As I travel across my State and met with farmers and agricultural leaders, the message to me is very clear. No single policy is more important to our agricultural community than this farm bill and the accompanying Energy bill. If we can get a farm bill passed with a renewable fuel standard, I think our farmers would be very pleased with the work Congress has done to promote American agriculture and move the renewable fuels industry forward.

This renewable fuels standard will create jobs in rural America, give our producers an alternative market for our crops, spur billions of dollars in renewable fuels investment, and save over \$600 million in taxpayer dollars in the underlying bill.

However, we have not had an opportunity to debate any of these amendments, including a renewable fuels standard amendment. I listened all day while accusations have flown back and forth. There has been all this hand wringing going on finger pointing, and the blame game being played. I have to say, as someone who voted for cloture the first time we had a cloture vote on the farm bill, I voted for cloture because I need this bill to move forward—my farmers and my ranchers want a new farm bill—but not because the process has been fair to Members on my side of the aisle.

Senators on the minority side, on the Republican side of the aisle—as I said,

there are only 21 of us who serve on the Senate Agriculture Committee. That means there are 79 other Senators who would like to weigh in on this important legislation. We have had the bill on the floor literally for a 2-week period and we didn't debate or vote upon one single amendment.

As I said before, you are talking about a 1,600-page bill that authorizes \$280 billion in spending over the next 5 years, and there has not been one single amendment voted on. The majority leader decided when the bill came to the floor he was going to fill the amendment tree, which in effect said no amendment can be offered unless it is approved by the majority leader.

I don't happen to disagree with the notion that amendments that are brought to the floor of the Senate ought to be somewhat germane to the underlying legislation. But it is a reality, a practical reality every single day in this institution, in the Senate, that amendments are brought to the floor that are not germane to the underlying bill. I will hold up a case in point because I have heard my colleagues on the other side get up and say: The Republicans want to offer all these nongermane amendments and what are we supposed to do about that, these need to be germane to the underlying farm bill? I would like to see amendments that are germane to the underlying farm bill, but it is a reality in the Senate that on many occasions—in fact it is often the case—amendments are offered to all kinds of legislation that are not germane to that underlying legislation.

A case in point: We are now stalled on the Defense authorization bill, a bill that was debated and voted upon a long time ago. The House passed it, the Senate passed it, we went to conference, we resolved all the differences. I serve as a Member of the Senate Armed Services Committee, and I know some of the issues that were being debated in the conference were somewhat contentious, but they all got resolved. Most of them were related to the underlying bill. Most of them were related to our national security programs, our readiness and that sort of thing. What is holding up the conference on the Defense authorization bill is hate crimes legislation because hate crimes was put on the bill in the Senate before it left, over the objections of many of us who didn't feel it was relevant or germane to the underlying Defense authorization bill. But nevertheless we didn't have the votes. It went to conference.

Now the debate over whether we are going to have a Defense authorization bill doesn't hinge on anything having to do with national security. It hinges on hate crimes legislation. How is that germane to the Defense authorization bill? Yet my colleagues on the other side have continually gotten up today and railed on the Republicans because Republicans, of all things, want a vote on a death tax amendment to the farm bill.

In my State, most farmers and ranchers think the death tax is relevant to their everyday lives because it is probably the single biggest barrier to multigenerational transfers of cattle operations. There is not anything that is a bigger barrier, a larger impediment to those types of transfers in passing farm operations and ranching operations down to the next generation than is the death tax. In most cases, these are people who are asset rich but cash poor. Oftentimes, when someone dies and they wanted to pass it on, they have to liquidate all their assets in order to pay the death tax.

My point simply is this. I would like to see us move forward. We need a farm bill. We need an energy bill. As I said before, I voted for cloture on the farm bill, but I have to say this process has been very tilted in favor of a procedure that the majority leader adopted on the first day that is very much without precedent—in terms of what happens on the Senate floor, I am sure it has been done. I am sure it has been done under Republican majorities. But the fact is, filling the amendment tree and prohibiting amendments from being offered, in a place such as the Senate which thrives on an open amendment process, I think is undermining the very foundation, the rules and procedures on which the Senate is based.

I would like to see us be able to get to a vote on the farm bill, but we can't do that until we have some agreement on amendments, and we can't get to the amendments on the floor until such time as the majority leader agrees we will be able to offer amendments. Until that happens, our side is going to continue to object to proceeding to the farm bill because, in fairness to them, as I said, this is a 1,600-page bill that spends \$280 billion over 5 years and was debated by 21 of the 100 Senators. In the Agriculture Committee, I think we produced a very good bill. I would like to see it—as I said, if it went through unamended, that would be fine by me because I think we got as good a consensus in the farm committee as we could. But there are 79 other Members of the Senate on both sides of the aisle who want to strengthen and make this bill better, and right now the process has precluded that opportunity to a point where we are at a standstill on legislation that is of great importance to the farmers I represent and, I would argue, to all Americans.

The farm bill not only funds production agriculture—and frankly less and less of the overall funding in the farm bill is going to production agriculture. More of it now, 68 percent of it, is going to nutrition and food stamps and other aspects of the farm bill; 9 percent toward conservation. All of those are important. But my point simply is this is a bill important to all Americans, not just to those farmers and ranchers.

During debate on the 2002 farm bill, there were 246 amendments filed. Democrats and Republicans came together and voted on 49 amendments, in-

cluding 29 rollcall votes. Before that, in the 1996 farm bill, there were 339 amendments offered, which were debated. Republicans controlled the Congress at that time. Republican leadership allowed 26 amendment votes, including 11 rollcall votes.

During consideration of the 1990 farm bill, there were 113 votes on the farm bill, 22 of which were rollcall votes. Finally, in 1985, there were 88 votes on that farm bill, 33 of which were rollcall votes.

My point is, writing a farm bill is not an easy task. A lot goes into this. It is a lengthy process, involving compromise between stakeholder groups, national priorities, regional interests, and compromise is simply unachievable under the political maneuvers that have been employed by the Democratic leader on this farm bill.

As I said before, it has been 5 weeks since it was called up on the floor. We had it on the floor for 2 weeks at one stretch before we went out for the Thanksgiving break, and let me emphasize we did not vote on one single amendment to this legislation.

I hope that will change because I think there is precious little time left in this session of the Congress and there are a lot of priorities. There is not much, frankly, that has been done. The Defense authorization bill, as I said, is being held up over an unrelated, nongermane amendment dealing with hate crimes. We don't have funding going out to the troops. We have only gotten one appropriations bill signed into law. The VA-Military Construction appropriations bill is cued up, ready to go. The President said he would sign it. We have not moved that through here. The list goes on and on.

I think it is regrettable because, as most Americans observe this process, they become increasingly cynical. The reason I think these public opinion polls that are published and surveys that are done indicate that Congress has terribly low approval ratings is for this reason: They see the partisan bickering, gridlock, finger pointing and all they want is for Congress to work together to get things done. One recent public opinion survey had the approval rating of the Congress at 11 percent which, as our friend John McCain always says: When you get down to 11 percent, you are pretty much talking about paid staff and blood relatives; and if you factor in the margin of error, you might even run a negative on that.

That is because the American public perceives what is happening and is incredibly frustrated by that. They want to see us work together toward solutions. We cannot do that absent a process and procedure that allows amendments to be offered when bills come to the floor. Legislation put on the floor that is as comprehensive as this farm bill is which, as I said, is 1,600 pages, \$280 billion in spending over a 5-year period, to date not one single amendment has been voted on.

That is regrettable. It is a disservice to the farmers and ranchers of this country who are waiting for this farm bill but, as important, I think it is a disservice to the American public, all of whom benefit from the farm bill and all of whom want to see the Senate work and function effectively to address the challenges and the problems we face as a country.

The process employed by the majority leader on the farm bill completely precludes us from having anything that resembles an open debate. As I pointed out earlier, if you go back to the 1985, 1990, 1996 or 2002 farm bills, there were ample opportunities for amendments. There was vigorous and spirited debate and lots of rollcall votes. This is really historic in terms of the precedent it sets and the message it sends to American agriculture, which desperately needs a farm bill.

I hope in the next day or two, and next week—which in my view is about what we have left to work with. I am frankly happy to stay here this weekend. I would stay here Saturday, Sunday, and beyond if we could get a farm bill on the floor, actually debate it, actually have amendments offered and voted on. I am happy to stay. I would be willing to bet that many of my colleagues would be happy to stay.

But the clock is a-running, time is a-wasting. All the American people see is finger pointing and hand wringing and bickering and gridlock. That is not in their best interests. Certainly, it is not fair to them, the people by whom we were elected. They sent us to do a job. We need to get about that job. That means allowing the Senate to function, to work, to allow Senators to offer amendments to these bills and to get to final action and completion and to get some legislation passed that will hopefully improve the lives of many Americans.

I yield the floor.

ADJOURNMENT UNTIL 10:30 A.M.
TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until 10:30 a.m. tomorrow.

Thereupon, the Senate, at 6:13 p.m., adjourned until Thursday, December 6, 2007, at 10:30 a.m.

NOMINATIONS

Executive nominations received by the Senate:

DEPARTMENT OF JUSTICE

MARK R. FILIP, OF ILLINOIS, TO BE DEPUTY ATTORNEY GENERAL, VICE PAUL J. MCNULTY, RESIGNED.

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. DAVID P. VALCOURT, 0000