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House of Representatives

The House was not in session today. Its next meeting will be held Wednesday, February 6, 2008, at 2 p.m.

Senate

TUESDAY, FEBRUARY 5, 2008

The Senate met at 10 a.m. and was called to order by the Honorable JON TESTER, a Senator from the State of Montana.

PRAYER

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

Let us pray.

We acknowledge today, O Lord, Your power, mercy, and grace. We need Your power for the challenges we face. We need Your mercy, for we transgress Your law and fall short of Your glory. We need Your grace, for we cannot offer anything to merit Your favor or gain Your love.

Empower our Senators for today's journey. Give them confidence to draw near to You that they may find grace to help them in this time of need. May they pass their days in Your presence. Enable them to learn the faithful stewardship of time, energy, and abundance. Temper their gifts with Your wisdom as You help them with their decisions. Remind them that leadership can work miracles with cooperation but accomplishes little with criticism and bitterness.

We pray in the Name of Him who came to bring peace on Earth. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JON TESTER led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The bill clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, February 5, 2008.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JON TESTER, a Senator from the State of Montana, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

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

RECOGNITION OF THE MAJORITY LEADER

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

SCHEDULE

Mr. REID. Mr. President, this morning there will be an hour of morning business, with Senators allowed to speak therein for up to 10 minutes each. The first half of the time will be allocated to the minority, the second half to the majority.

ORDER OF RECOGNITION

I now ask unanimous consent that following morning business, I be recognized.

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

RECOGNITION OF THE REPUBLICAN LEADER

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

STIMULUS PACKAGE

Mr. MCCONNELL. Mr. President, Americans are probably wondering why the rebate checks we have been talking about now for almost a month are still being debated on the floor of the Senate, and we owe them an answer.

Two weeks ago they saw what looked like a bipartisan agreement between Democrats and Republicans in Congress and the White House over the details of a deal. They saw Speaker PELOSI and Leader BOEHNER, to their great credit, resist the temptation to add pet projects that they knew would only slow the package down—and rob it of its stimulative effect. They heard a chorus of pleas from economists, trade groups, and Members of both parties in both Chambers endorsing this approach. This package had to be targeted and it had to be timely, or it wouldn't work at all.

So most days we find ourselves trying to explain to people why it takes so long to do things in the Senate. But this time was going to be different. Here was that rare situation when both parties agreed to put politics and individual interests aside and come together for the good of the people.

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

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But then the stimulus bullet train turned into a rickety stage coach here in the Senate. When it got right down to it, Senate Democrats couldn't do what House Democrats had done. They couldn't resist—not even one time—a chance to play politics.

If Americans are wondering why their checks aren't in the mail, they can find it in last week's news clips. Of particular interest is an AP story entitled ''Politics Creeps into Stimulus Package.'' Democrats are holding onto the stimulus bill, the article said, not to speed up the rebate checks, but to try to make Republicans look bad in November. Asked about the amendments we were expecting to take up this week, the senior Senator from New York said, ''It's tough votes for them.'' It's tough votes for them.

Now, the same AP article also helpfully points out that the senior Senator from New York is no sideline observer in this debate. It notes that he moonlights as chairman of the Democratic Senatorial Campaign Committee. For people outside the beltway, that means he is in charge of recruiting and helping Democrat candidates for the Senate—which, this week, according to the AP, evidently involves holding up the stimulus bill over votes he thinks will help his candidates against Republicans in November.

Now I don't know if the thrust of this article was entirely accurate. But if it was, these are precisely the kind of shenanigans Americans had been hoping we could get past this year. And, frankly, Senate Republicans were hopeful after the speed with which the House approved its version of the growth package that Senate Democrats would also see the wisdom in coming together to deliver relief in a timely manner.

It's disappointing that politics would come to play a part in a deal that seemed refreshingly free from it for a change. But unfortunately, it seems the never-ending campaign that tainted so much of last year's Senate business has carried over to this year.

Last night, my good friend the majority leader suggested that Republicans were delaying action on the stimulus plan because we asked for some time to review his latest proposal—a full 4 days after he said he would deliver it. Never mind that passage of the Senate Democrats' bill forces a conference, worsening an already-prolonged process. Never mind that once we did take a look, we noticed an extra $1 billion in spending, which I think most Americans would consider a significant addition. And never mind that our friends on the other side had no intention of voting on the package today anyway.

We could have disposed of this stimulus package a week ago, but our Democratic colleagues wanted, as they said, to put their ''stamp'' on it.

Mr. President, I don't think Americans care one bit whether this bill has a Republican or a Democratic stamp on it. They are completely fed up with political gotcha. Americans want—and deserve—results.

Taxpayers will get their rebate checks and businesses will get their much-needed relief, but not without having to watch a show here for a few more days or a week—put on for the sake of a depressingly familiar political circus.

That is unacceptable to Republicans. I presume it is unacceptable to the 385 Democrats and Republicans who voted the stimulus package out of the House.

It is unacceptable to the more than 100 million American families who are probably still wondering why we are talking about this bill at all.

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

STIMULUS PACKAGE

Mr. REID. Mr. President, what we have seen here on the Senate floor this morning is very much in keeping with what has happened in the last 7 years with the Bush administration. The Bush administration is Orwellian. It says something that means something else. The President comes to town and wants to be a ''uniter'' and not a divider. The American people know how disingenuous that has been.

The President had the ceremony on an aircraft carrier. He had his flight suit on, with a big banner up saying ''Mission Accomplished.'' That was almost 5 years ago. Since that time, 3,000 American soldiers have been killed, and more than 20,000 have been wounded. Is that Orwellian? I think so.

What has taken place here on the Senate floor today is in keeping with this Bush situation.

By the way, the Bush White House—for the first time in more than 130 years—has someone working in the White House who is indicted and convicted of a crime. The same White House had someone in charge of budgeting and taking care of Government contracts who is now in prison, Mr. Safavian. This is the same President who presided over a House majority leader who had two ethics convictions. What did he do to avoid any penalties? He changed the rules in the House until he was indicted by the State of Texas. Now, a number of House Members' staff who dealt with that are in prison, and others are planning on going there.

Mr. President, what we have heard today here on the Senate floor is as Orwellian as anything could be. Two weeks ago, the House passed a bipartisan bill. Sure, they did. They sent it over here for us. Under the Constitution, we have an obligation to consider that. It is an insult to the bipartisan bill that came out of the Senate Finance Committee to call this matter which is now before the Senate ''Senators' pet projects.''

We have millions of people who are out of work and others who are looking at being out of work. We have in our bill a ''pet project'' calling for extending unemployment benefits. That is our ''pet project.'' I have to stand accused, and I am guilty of that because I support that.

As we speak, we have some people—even though in Washington it is fairly warm and the low last night was 41, other people are cold. We have a ''pet project'' in the bill dealing with giving them assistance so they can pay their heating bills. They will spend that money very quickly.

We have another ''pet project'' that was supported on a bipartisan basis in the bill to give homeowners relief. One of the ''pet projects'' in this bill was talked about by the President in his State of the Union Message. When we heard him say it, we all knew he probably didn't really mean it, but he talked about doing something to refinance homes that are in default. We took the President's word, and one of our ''pet projects'' is what the President wanted and which is in this Senate stimulus package.

To talk about the timely nature of this, a rebate check, even under the most generous timeframe, cannot come until after the income tax returns are filed in April of this year. So we are moving this as quickly as we should.

One of the ''pet projects'' we have in this bill is to take care of about 250,000 disabled veterans—American veterans who, in the course of their duties serving this country, have become disabled. We, as one of our ''pet projects,'' decided it would be nice—if everyone else was getting a rebate check, shouldn't a disabled veteran get one? So that is a ''pet project.'' I support it, and I think it is very important.

One of the ''pet projects'' we support—and I think there is bipartisan support for it—is to take care of 21.5 million seniors who, with the House-passed bill, get a big goose egg—nothing. I have not criticized the House bill. It was a good start. But even Speaker PELOSI, my dear friend, recognizes that what they did is inadequate and that what we are going to do is much better. We are going to give 21.5 million seniors a rebate. What does that mean? They will spend it and stimulate the economy.

Mr. President, to say they need time to read this gargantuan bill we have—it was best summarized by the Senator from California; she did it last night. Senator BOXER brought to the Senate floor the addition to the bill that they are still reading. It is a page and a half long. So we have had 12 to 14 hours; they could have read two or three words an hour and gotten through that.

Today, we should be able to finish the Foreign Intelligence Surveillance Act legislation and have a time set for tomorrow to finish the vote on the stimulus package. Sixty votes is all we want. There are 51 Democrats, and everyone will vote for this. It is the House package with those ''pet projects'' that take care of seniors, disabled veterans, and a few other people

where we feel it is important, especially the unemployed people who are desperate for another check and are trying to find a job.

Mr. President, the Orwellian Bush administration has now slopped over into the Senate, and now the Republican leader is becoming Orwellian himself.

RESERVATION OF LEADER TIME

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

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business for 60 minutes, with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the first half of the time under the control of the Republican leader or his designee and the second half of the time under control of the majority leader or his designee.

The Senator from California.

ORDER OF PROCEDURE

Mrs. BOXER. Mr. President, I ask unanimous consent that I be allowed to speak on the Democrats' time to pay tribute to Marine Cpl Sean Andrew Stokes. I thank Senator KYL for agreeing to this request.

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

HONORING OUR ARMED FORCES

CORPORAL SEAN ANDREW STOKES

Mrs. BOXER. Mr. President, tomorrow, Wednesday, February 6, at Camp Pendleton in my home State of California, one of the true heroes of our country will receive a rare and distinguished honor. On what would have been his 25th birthday, Marine Cpl Sean Andrew Stokes—and I show you that beautiful face in this picture—will be awarded the Silver Star for heroic actions performed in the line of duty during Operation Phantom Fury in Fallujah, Iraq.

From November 9 through November 18 of 2004, then-Private Stokes took the position of ''point'' in his platoon. That means he was the first Marine to enter a building and the first Marine to encounter whatever and whoever was inside. Bullets, grenades, and rockets were around every corner. For 9 days and nights, Sean fought insurgents in hand-to-hand combat, in house after house, in building after building.

Most of us would lose our sanity in such a place, but Sean kept his sanity with a simple prayer of thanks after coming out of each house alive.

Word of Sean's actions over those days quickly spread. The History Channel made a documentary about the battle of Fallujah, and Sean's heroic actions were prominently featured.

Embedded in Sean's platoon was Pat O'Donnell, a historian who wrote a critically acclaimed book, ''We Were One: Shoulder to Shoulder with the Marines Who Took Fallujah.'' Mr. O'Donnell has said Sean hid his wounds on more than one occasion so he could stay with his Marine brothers rather than take the mandatory medical evacuation. He said:

> Sean always put others first before himself.

Sean will be receiving the Silver Star tomorrow for his actions on his first tour. His father Gary conducted research, and as best as he can tell, Sean is the first Marine to be awarded the Silver Star for actions while a private since two Marine privates received such an honor during the Vietnam war.

In September 2005, Sean returned to Iraq, once again at the front of his platoon, where he distinguished himself and was eventually promoted to corporal.

Sean could have left the Marine Corps at the end of that tour. His father urged him to get out, but Sean said: What about everybody else? He felt the need to stick by his buddies who had stood by his side every single day in Iraq.

In April of 2007, Sean went back for his third deployment. Sean's father wrote:

> He went back to Iraq to protect his best friend, Bradley Adams, and because he wanted to be a Marine more than anything else in life.

Sean, along with Bradley, was assigned to the battalion commander's personal security detachment, a position reserved for elite and combat-seasoned warriors. The two managed to eventually maneuver their way into the lead vehicle, once again taking point, which earned Sean the nickname ''Pathfinder.''

That battalion commander told Gary Stokes his son had saved his life on numerous occasions, including on July 30, 2007, the day Sean Stokes died from an improvised explosive device attack while on patrol in Al Anbar Province.

Over 820 men and women who were either from California or based in California have died in Iraq. This young and heroic Marine is one of them.

Sean Stokes represented the best of the Marine Corps, the best of the United States, the best of California. He was born 25 years ago Wednesday in Fremont, CA. He grew up in the gold country of California in the town of Auburn.

He was into cars and his dad says he had lots of them. When he returned from his first tour in Iraq, the people of Auburn learned he wanted to fix up his Honda Prelude, so they, the people of the town, put on some new rims, spruced it up, and made it look good—all free of charge—for Sean.

He attended Bear River High School, where he played linebacker on the football team and the outfield on the baseball team.

Upon learning that Sean died, Bear River retired his No. 51 football jersey, the first time the school has ever retired a number.

Of his baseball ability, Sean's dad draws a parallel to a great home-run hitter also born on Wednesday—Babe Ruth. He said it is no coincidence that he was the only kid on the all-star team to hit the ball out of Babe Ruth Baseball Park onto the nearby road, not once but three times.

Sean's dad also says he was quite popular and had lots of girlfriends. But he had found true love and was engaged to Nicole Besier, a beautiful young girl who is also a Marine.

Gary Stokes wrote to me about his son:

> Sean turned out to be a great fisherman and from the time he was a little guy, he loved to fish. I remember taking Sean camping, and that is all he wanted to do the entire time during our camping trips and other outings and vacations. Even though I understand that the Tigris River was polluted and at times surrounded by terrorists, I would be surprised if Sean did not throw in a fishing line a few times during one of his three tours in Iraq.

''Sean, like his brother Kevin, is a great son,'' his father writes. We do have a photo, I believe, of Kevin. We are going to get out the photo to show the brothers together.

> Sean, like his brother Kevin, is a great son, and we always would make sure to make time to do fun things together as much as possible, like golf, fishing, or camping.

This is a picture of Sean and his brother.

His father continues:

> Sean and I made the commitment years ago to not be like the father and son in the song ''Cats in the Cradle.'' Sean has touched many lives during his short life and he was loved and was respected by everyone whom he met.
>
> Sean's life was short, but it was full and he always gave it his all in everything he did.

Tomorrow's ceremony at Camp Pendleton honors the heroism and the bravery of Sean Stokes. Similar to the other Marines out at Camp Pendleton and the rest of the men and women in uniform around the world, he volunteered to carry the burden of protecting our beloved Nation.

He fought for the man next to him and for the troops behind him, and he died in service to them. We owe him our gratitude. And we owe his family our gratitude and we owe the families of all the men and women who serve in harm's way our gratitude. We can never forget what they have sacrificed.

I conclude as the Senator from California, we have lost so many. As a mother, as a grandmother, I will do everything, along with my colleagues, to bring our troops home and to spare others the deep grief this family has endured.

I again thank Senator KYL for his graciousness in allowing me to have this opportunity to pay tribute to Sean.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Arizona.

Mr. KYL. Mr. President, I thank the Senator from California for her remarks about Sean and his service to this country. He clearly represents all those marines, soldiers, and others who have given their lives and the many others who have been casualties of conflicts on behalf of the American people.

We do, indeed, owe them our debt of gratitude and we, as policymakers, in the country owe them decisionmaking which ensures that their sacrifices will not have been in vain.

ECONOMIC STIMULUS PACKAGE

Mr. KYL. Mr. President, I wish to turn to the business at hand, which is the so-called economic stimulus package. I have not had an opportunity to offer my personal views on this issue.

I do not believe that tax rebate checks and an extension of unemployment benefits will boost the economy. Of course, Americans deserve to keep more of their hard-earned dollars and Washington should spend less of them. But giving people tax rebates and telling them to go shopping will do virtually nothing to grow our economy. Our economy grows—GDP increases—when new goods and services are produced. A one-time shopping spree is not going to encourage a business to hire one additional worker or invest in one additional machine. Only a permanent reduction in tax rates will do that.

Gross domestic product increased by just 0.6 percent in the fourth quarter of 2007. While most economists do not forecast that the U.S. economy will enter recession this year, they do estimate it will enter a period of below-trend growth in the first half of 2008, with growth recovering in the third and fourth quarters.

The current unemployment rate is 4.9 percent; down from 5 percent in December. The drop is due to an upward revision in the number of jobs created in December.

The preliminary estimate is that the number of jobs created in January fell by 17,000—the first decline in many months. But note that a very small increase in December job creation was revised upward to 82,000 new jobs. Also, the initial August 2007 jobs reading showed a 4,000 job decline, but it too was revised upward substantially. The January figure could well be revised upward.

Over the past 30 years, from 1977 to 2007, personal consumption has grown steadily and strongly and has not fallen off during economic downturns.

In contrast, during times of economic weakness, private investment declines significantly. We are seeing this very thing happen during this economic downturn as well.

The Treasury Secretary negotiated an agreement with the bipartisan House leadership. That agreement was fairly simple:

It provides a rebate of $600 for individuals and $1,200 for married filers, and gives parents another $300 for each child. The rebate is phased out for individuals with adjusted gross income of more than $75,000, and couples with adjusted gross income. of $150,000.

It also expands the ability of small businesses to expense new equipment purchases for 2008 and gives businesses of all sizes the ability to write off 50 percent the cost of many new depreciable assets placed in service in 2008.

The House bill was passed on January 29 by a vote of 385 to 35.

The administration predicts that the proposal would boost the economy by about 0.7 percent. In reality, that ''growth'' would be borrowed from the future. It would not create new growth.

While I disagree with the central premise of the House-passed bill—that we need to stimulate consumer spending—I am impressed that the bill was very narrowly focused and that it generally did not include new spending.

While the House bill was not the bill I would have written, I feared that it would become far worse in the Senate. It has.

The bill passed out of the Finance Committee dedicates $10 billion to extend unemployment benefits. Our current unemployment rate is 4.9 percent. Congress has never before extended unemployment benefits when the rate is this low. Because extending unemployment benefits has the effect of lengthening the traditional spell of unemployment by 1 to 2 weeks, this provision effectively eliminates any possible stimulative effect of the bill.

It also included a slightly smaller tax rebate—$500 per individual, $1,000 per couple, $300 per child. Unlike the House bill, the rebate would be available to senior citizens and disabled veterans who otherwise have no earned income. While I generally oppose the idea of rebate checks, this change from the House bill is probably one on which we can agree. But we should understand that fully 42 percent of the rebate approved by the Finance Committee is classified as ''spending'' because it would go to individuals with no tax liability.

The Finance bill also seeks to ensure that illegal immigrants cannot legally obtain tax rebates, something we all support.

The Finance package also includes the same business tax breaks as the House bill but adds a 5-year carryback for net operating losses. This is an important provision that I helped to have included in the Finance bill and I would support adding it to the House bill.

From this point, the Finance Committee bill really becomes a Christmas tree. All kinds of legislative ornaments have been attached:

$3 billion for utilities wind and solar energy production;

$1.6 billion for energy-efficient homes, not particularly wise, given the glut of new homes on the markets;

$323 million for manufacturers of energy-efficient appliances;

$247 million for tax breaks for wealthier investors in marginal oil and gas wells;

$153 million to for energy-efficient commercial buildings; and

$100 million for coal companies owed interest by the Federal government from a court case.

Interestingly, the committee defeated an amendment I offered to patch the AMT for 2008.

The committee defeated an amendment offered by Senator ENSIGN to provide another repatriation window, during which companies could bring back overseas earnings at a much-reduced tax rate.

The committee also denied me an opportunity to offer a package of individual and business tax provisions that expired at the end of 2007 and other provisions that expire at the end of this year, including:

the teacher tax deduction,

the tuition deduction,

the R&D tax credit,

accelerated depreciation for leaseholds and restaurants, and

extending foreign tax changes that help U.S. multinationals compete—active financing and the CFC look-through.

At best, proposals for short-term, demand-side stimulus will borrow economic growth and consumer spending from the future, and will appear to create a small boost for the economy.

My real worry is that we are doing a disservice to all Americans if we tell them that increasing consumer spending is a panacea to our economic problems.

We would be far wiser to recognize that our short-term challenge now is deflated home values and a glut of housing, along with insufficient liquidity in the capital markets—none of which will be fixed by this, or the House-passed, stimulus bill.

The only viable remedy is to focus on policies that encourage sustainable economic growth by encouraging work, investment, and entrepreneurship.

We are scheduled to see across-the-board hikes in income tax rates and investment tax rates, as the current rates automatically expire, reverting to the pre-2001 and pre-2003 higher rates—and we know from economists that the only way to encourage sustainable economic growth is to encourage work, savings, and investment through lower marginal rates.

No one is willing to see the child tax credit cut in half, the marriage penalty spring back to life, or a host of other popular provisions disappear.

Washington is slowly coming to the realization that our corporate tax rate of 35 percent hurts American competitiveness. Only one OECD country—Japan—has a higher rate.

In fact, I filed an amendment to cut the corporate rate to 25 percent when the Finance Committee considered the economic stimulus bill. Larry Kudlow had this to say about my amendment:

In my view, this would be the single best pro-growth measure that Washington could take. It would help create healthy businesses, create jobs, and raise real wages. It also would boost the dollar. The minute such a bill is signed—the very minute—the incentive effects would take place.

Last year, the Treasury Department released a study of American competitiveness and determined that our high corporate tax rate is in fact a barrier to encouraging businesses to locate in the U.S.

Also in 2007, CHARLIE RANGEL, the chairman of the House Ways and Means Committee, unveiled a comprehensive tax reform proposal which included a reduction in the corporate tax rate to 30 percent. There seems to be a growing consensus across party lines that our corporate tax rate should be reduced.

Another idea that has been gaining traction is reducing the corporate capital gains rate. This would have a tremendous ''unlocking effect.'' It simply makes no sense to tax corporate capital gains at 35 percent; such a high tax rate only encourages companies to hold on to unproductive assets.

For years and years, investors and Government officials have debated whether the Treasury Department has the necessary authority to index capital gains for inflation without Congress needing to act legislatively. I believe there is a case to be made that Treasury does have the authority, and I hope the President will take this bold step in his final year.

Forty-two percent of the cost of the Senate Finance Committee economic stimulus ''rebate'' goes to Americans with no tax liability.

The percentage of Americans who actually pay taxes continues to shrink and our ability to raise revenue by increasing taxes on ''the wealthy'' is a losing proposition.

In 2004, 37 percent of all Federal personal income taxes were paid by the top 1 percent of taxpayers; the bottom half of taxpayers, by adjusted gross income, pay just 3.3 percent of Federal personal income taxes. We run the very real risk of developing a system whereby a majority of Americans do not have a stake in limiting the size of our Federal Government because they do not have to pay for it.

Congress should consider some research explained in a recent Wall Street Journal column by Art Laffer. Art Laffer explains that the highest income earners are the most sensitive to tax increases and the most likely to plan to avoid tax increases. He found that over the last 25 years, as the top income tax rates fell, the share of income taxes and the dollar-value of taxes paid by the top 1 percent of taxpayers increased dramatically. Over that same period, as income tax rates fell for the bottom 75 percent of taxpayers, both the share of Federal income taxes paid and the dollar amount of income taxes paid fell too.

Laffer points out that the temptation to cut taxes in the lower brackets—or only retain the current rate structure for the lower brackets—while raising taxes for taxpayers in the top brackets is completely counterproductive. The only tax cuts that seem to result in increased revenues are those that affect the wealthiest taxpayers because they have the ability to defer income, invest in tax deferred accounts, invest in tax-exempt bonds, and otherwise plan around taxes.

Art Laffer closes his article with this statement:

Mark my words: If the Democrats succeed in implementing their plan to tax the rich and cut taxes on the middle and lower income earners, this country will experience a fiscal crisis of serious proportions that will last for years and years. . .

While Congress is focusing on stimulating consumer spending and short-term economic fixes, we must remember that it makes far better sense to plan for long-term, sustainable economic growth. We must not let this deviation into Keynesian economics become an excuse for massive increases in government spending, tax policies geared toward short-term consumer spending; we must not ignore the importance of long-term savings and investment and we must remember to reward hard work with permanently low income tax rates.

As George Melloan wrote recently:

Ironically, even the brilliant John Maynard Keynes disowned [Keynesian Economics]. After meeting with a group of Washington ''Keynesians'' in 1944, he said he was the only non-Keynesian in the room. His brainchild . . . had been converted from its originally intended limited application to an all-purpose economic panacea by politicians, academics, and journalists.

I wish to summarize, in 3 or 4 minutes, what I think is at work here.

My view, contrary to the President and to some others in my party, is that tax rebate checks and extension of unemployment benefits will not boost the economy. Obviously, Americans deserve to keep more of their hard-earned dollars, and obviously Washington should spend less of them, but giving people tax rebates and telling them to go shopping will do virtually nothing to grow our economy.

Our economy grows; that is to say, the gross domestic product increases, when new goods and services are produced. A one-time shopping spree is not going to encourage business to hire one additional employee or invest in one additional machine. Only a permanent reduction in tax rates will do that.

I will share a couple statistics relating to the state of our economy now, particularly as it relates to unemployment.

The current unemployment rate is 4.9 percent. That is down from 5 percent in December. The drop is due to an upward revision of the number of jobs created in December. The preliminary estimate is that the number of jobs created in January fell by 17,000, which is the first decline in months. But note that a very small increase in December job creation was revised upward to 82,000 new jobs, and the initial August 2007 jobs reading showed a 4,000-job decline, but it also was revised substantially upward. So the January figure could also be revised upward.

The point is unemployment is at a relatively low level in this country, and it would be a huge mistake for us to exacerbate the unemployment situation by extending unemployment benefits, as the Senate Finance Committee does.

In addition, personal consumption is growing strongly and steadily, as it has over the last 30 years. It has not fallen off at all. What has fallen off, and this happens during times of economic weakness, is private investment, which has declined significantly, and that is what should be addressed but is not addressed, in the so-called stimulus package. Rather, what is addressed in the stimulus package is, of course, consumer spending which, in this case, is not the solution to the problem.

At best, proposals for short-term, demand-side stimulus will borrow economic growth and consumer spending from the future and will appear to create a small boost to the economy right now, but they are borrowing it from the future. Of course, we are also borrowing $150 billion in order to accomplish this result.

My worry is we are doing a disservice to all Americans if we tell them an increase in consumer spending is a panacea to our economic problems. It is not. We would be far wiser to recognize our short-term challenge now is depleted home values, a glut of housing, along with insufficient liquidity in the capital markets, and none of this is fixed by the stimulus bill before us. The only viable remedy is to focus on policies that encourage sustainable economic growth by encouraging work, investment, and entrepreneurship.

One of the first things we have to address is to make sure we do not suffer a tax increase. That would be the worst thing that would happen, and we are headed for that if Congress does not take action to take that from taking place, which is automatically built into our tax laws. In 2 years, unless Congress does something, we will have the largest tax increase in the history of the country. So we should be signaling right now that is not going to happen.

We should also get in line with the other countries in the world and reduce our corporate income tax rate which, except for Japan, is the highest in the world. That would do something immediately to help.

We should also index taxes, such as the capital gains tax, for inflation. For years, investors and Government officials have debated whether the Treasury Department has the authority to do this. I believe it does have the authority to do it administratively and that we ought to do it. But if the administration doesn't do it, then the Congress ought to do it.

The bottom line is there is a variety of things we could do to actually stimulate economic growth to provide for

the long-term productivity increases in capital expansion and job creation that provide that kind of economic growth. That is what will solve the problem, not a one-time rebate for people who would far rather have a job than a $500 check. So while we are focusing on stimulating consumer spending and the short-term economic fixes, my view is it would make far better sense to plan for the long term and to do those things which provide for actual sustainable growth.

We cannot let this deviation into so-called Keynesian economics become an excuse for massive tax increases and Government spending or tax policies geared toward short-term consumer spending. We must not ignore the importance of long-term savings and investment, and we must remember to reward hard work with permanently low income tax rates. As George Melloan recently wrote:

> Ironically, even the brilliant John Maynard Keynes disowned Keynesian Economics. After meeting with a group of Washington ''Keynesians'' in 1944, he said he was the only non-Keynesian in the room. His brainchild had been converted from its originally intended limited application to an all-purpose economic panacea by politicians, academics, and journalists.

I hope we will not fall into the same trap this year, in 2008, but recognize there are some significant things we could do to stimulate the economy to ensure that the average American family is not burdened with increasing taxes. The first step in that direction is not to go another $150 billion in debt by offering people rebate checks and an extension of unemployment compensation but, rather, by signaling to them we are serious about ensuring there will not be a big tax increase in this country.

The ACTING PRESIDENT pro tempore. The Senator from Texas.

Mr. CORNYN. Mr. President, when I returned after the Christmas recess, along with all my colleagues, it was with high hopes that we would be able to work together to solve America's problems in a bipartisan way. There were some promising indications that would indeed be possible when the Speaker of the House of Representatives and the Republican leader in the House and the President of the United States came together to deal with one of the emerging crises in our country, which is the economic downturn caused by the subprime lending crisis and a downturn in the housing markets.

Unfortunately, we have begun to see that bipartisan cooperation fraying and some downright foot-dragging that causes me a lot of concern. I can't help but think if I am concerned, there are a lot of other people, not only in this body but across the country, who are concerned by the contradiction between what Members of Congress sometimes say and what actually happens. Sometimes we can get caught up in the Senate rules regarding cloture and how the amendment process works, and that is the kind of thing Senators and our staff like and we live with. Frankly, the one thing the American people can sense from a hundred miles off is hypocrisy—saying one thing and then doing another.

I heard it suggested one time that the opposite of the definition of progress must be Congress. It sounds to me like something Mark Twain or Will Rogers might say, to say that Congress is the opposite of progress. But we have had two examples of important legislation we should be acting upon in a timely way that have been dragged down by inexplicable delay, and I think it is important that we focus on that.

We have heard from the Republican leader this morning regarding his concerns that the bipartisan stimulus package, which, as Speaker PELOSI said, needed to be targeted, timely, and temporary, has now gotten bogged down in an attempt to add additional spending on that bill in a way that invites additional amendments on the floor of the Senate. That means further delay. Add to that a conference committee, which will then delay it even further, and that means the American people, who were expecting rebate checks on their taxes, will have to wait longer, and the chances that this stimulus will in fact be effective in helping to avert a recession makes it much less likely that it will have any impact whatsoever. So delay is costly in terms of our chances for having a positive impact on averting this recession.

FISA

Another area I want to talk about briefly has to do with our national security and our ability to listen to al-Qaida terrorists talk to each other either on the telephone or by e-mail or text messages. Last week, we spent an entire 3 days basically doing nothing while we tried to get the FISA reauthorization bill—the Foreign Intelligence Surveillance Act bill—passed on a bipartisan basis. Now you would think this is something we ought to be able to come together on in a bipartisan way. The bill that came out of the Intelligence Committee passed by a bipartisan vote of 13 to 2. But then it comes to the floor of the Senate and it becomes locked down in attempts to block this bipartisan legislation.

There has been the suggestion that we haven't had enough time to consider this legislation. Well, I think it is worth noting, as this chart does, the history of this important legislation.

You will remember that it was April of 2007 that the Director of National Intelligence suggested we needed significant reforms in our ability to listen in to conversations between terrorists overseas who were determined and committed to trying to kill innocent Americans and our allies. So the Director of National Intelligence last April said we need an update in this important law to make sure we aren't deaf to the threat or blind to the threat in a way that will endanger American lives.

In May of 2007, there was a significant decision made by the Foreign Intelligence Surveillance Court which suggested that phone calls between two foreign nationals, circuited through the United States, had to get an order through a lengthy application process in order to listen in. The Director of National Intelligence suggested to us that we were missing as much as two-thirds of the actionable intelligence necessary to listen in to our enemies in order to detect, deter, and hopefully prevent terrorist attacks on our soil and against our troops in Iraq and Afghanistan.

In July of 2007, the Director of National Intelligence briefed Congress on the urgent need to update this law in light of these gaps. To its credit, the Senate did get together on a bipartisan basis, at least for a while, in August of 2007 to pass a 6-month piece of legislation. Why it was 6 months, I don't know. It should have been permanent. That legislation was the Protect America Act, which would have expired February 1 but for a 2-week extension that was recently agreed to. So the Senate can get its act together and do what it knows we have to do to protect American lives and to keep our Nation secure.

In October of 2007, the Intelligence Committee, as I noted earlier—the committee that is given the responsibility of oversight of our intelligence community and for keeping our intelligence laws up to date—passed a strong bipartisan bill supported by the Director of National Intelligence that would give the intelligence community all the tools consistent with our laws that it needed in order to keep America safe. It passed by 13 to 2—strong bipartisan support.

The Judiciary Committee then, in November of 2007, a committee on which I sit, unfortunately passed an alternative piece of legislation strictly along partisan lines that was designed to be a substitute. In December 2007, we tried to take up this issue because, again, it was going to expire, and we saw that our Democratic friends basically blocked the Intelligence Committee bill in December of 2007.

On January 23, after we returned from the Christmas holidays and the New Year's break, we returned to the Foreign Intelligence Surveillance Act legislation with the knowledge, as I said, that it was going to expire by February 1 if we didn't act. Well, frankly, because of the meltdown here in the Senate and our inability to pass basic legislation that is necessary to keep America safe, because of the gamesmanship that is going on, we had to pass a temporary extension which is now set to expire February 15.

I don't understand why it is that the Senate seems to be incapable of getting its business taken care of. When we come back with such high hopes that we are going to see a change in attitude and that we will be working together in a bipartisan way to solve the problems that confront our country—whether it is our economy or national

security—it seems to last about as long as a winter snow on a warm day. It sounds good and looks good 1 day, and then melts away the next day. We need to stop squandering these opportunities to work together. We need to get some work done.

Last night, even though the majority leader had previously told us we would not be voting on either Monday or Tuesday, in light of the big election vote that was going to occur today, he changed his mind, and it is his prerogative to do so, so we had a vote on the economic stimulus package that the House passed, and which the Republican leader said we should take up and pass in a bipartisan way in order to expedite that legislation. The motion we voted on last night passed overwhelmingly in support of that House legislation by 80 to 4—80 to 4.

So why it is we can't, in a similar fashion, take up that legislation and pass it without slowing it down by adding on a lot of extraneous spending by people viewing this as a Christmas tree on which they want to hang their favorite ornament as a way to fund their pet projects; Why it is we can't resist that temptation and expedite passage of this important legislation is, frankly, beyond me. I wish we would take care of the Nation's business. Unfortunately, the majority leader handed us his alternative legislation last night, a 70-plus-page bill that is completely different both from the Finance Committee bill that was passed out of the Senate and the House bill that has been negotiated between the Speaker and the White House and the Republican leader in the House.

I think we ought to be aware of high-pressure tactics, and that was certainly a high-pressure tactic to try to come up with a brandnew bill that nobody has looked at and insist we pass that bill without an adequate time to review it and to see what goodies have been inserted in this piece of legislation that some of us may object to. So it is my sincere hope we will not continue to squander the opportunities we have been presented with to work together to pass this economic stimulus package on a bipartisan basis, or this Foreign Intelligence Surveillance Act reauthorization which has been on the radar for the Senate since at least April of 2007. There is simply no excuse for not acting on a timely basis to deal with both of these issues.

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

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

The bill clerk proceeded to call the roll.

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

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

Mr. DURBIN. I ask if the Chair would advise me as to the current status of morning business.

The ACTING PRESIDENT pro tempore. The Republicans control 6 minutes 15 seconds, the Democrats control 29 minutes.

Mr. DURBIN. I ask unanimous consent that the Republican time be reserved; that I be allowed to speak in morning business on the Democratic side.

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

OBSTRUCTIONISM

Mr. DURBIN. Mr. President, I was on the floor earlier this morning when Senator MCCONNELL came and made a little statement I would like to address at this moment because it seems to me Senator MCCONNELL said a few things which bear repeating.

He was critical of the bill which we passed in the Senate Finance Committee to try to get the American economy back on its feet. The economy is struggling now. We had troubling unemployment figures last week. We know the President said repeatedly we are moving toward a recession. We know a recession means high unemployment, business failures, and lost opportunities for Americans and American business.

So we certainly want to do everything we can to stop that. One of the things that has been done by the Federal Reserve is to cut interest rates in the hope that people will be encouraged to borrow money responsibly for purchases such as cars and homes and the like and that those purchases will breathe some life into the economy.

Then there is the other side of the ledger when it comes to our economy, what we can do in Congress and with the President. What we try to do is to give Americans more spending power. Right now there is less consumer confidence. People are worried about bills they have to pay, health insurance that has gone up dramatically over the last 7 years, the cost of gasoline which many in my home State of Illinois, particularly downstate, know very well personally has increased in cost dramatically.

We also understand people putting their kids through college have seen tremendous increases in the cost of college education. The increase in the cost of food, that sort of thing, has led a number of people to be worried about whether they should make a big expenditure. So one of the things we are considering is something to stimulate the economy, an economic stimulus package, what can we do, how can we put spending power and confidence back in the hands of American families.

The President met with the Speaker of the House, NANCY PELOSI, and the Republican leader, JOHN BOEHNER, and worked out at least the beginning of that stimulus approach. What they suggested was they would send checks of about $600 to individual taxpayers across America within certain income limits and $1,200 for a family and extra for those with children.

That money would go directly to a lot of people who will spend it because there are folks who are struggling month to month, paycheck to paycheck. That is a good thing to do. It is a group that has often been overlooked recently, that the tax cuts in Washington, under this administration, have not focused on giving helping hands to working families as much as giving a helping hand to those who do not need it, the wealthiest in our country.

So this idea of an economic stimulus, which finally focuses our attention on struggling families, is a good thing. The House passed its version in a bipartisan fashion, sent it over to the Senate to consider. Senator MAX BAUCUS, Chairman of the Finance Committee, met with that committee, and worked on ways to change it or improve it that they think would be helpful.

At the end of the day, the proposal by the Senate Finance Committee, which passed with a bipartisan vote, three Republicans joining the Democrats in voting for it, is one that I think is a better package, a better approach.

The House's is good. I like the House stimulus approach, but I think the Senate stimulus package is better.

This morning MCCONNELL came to the floor, the Republican Senate leader. He was very critical of what the Senate Finance Committee passed on a bipartisan basis. He was critical of their measure, which passed with the support of Republican Senators.

He used phrases and terms in describing it that I think are worth looking into. Senator MCCONNELL suggested we were involved in pet projects in this Senate stimulus package.

Well, I have taken a look at it. I am curious as to what pet projects he is talking about. I find it hard to believe the Republicans feel 21 million seniors who will receive a helping hand with the Senate Finance Committee are somehow superfluous, not important, they are pet projects.

Well, I have to concede that point. The seniors of America are a pet project of mine and most Senators. We know many of them live on fixed incomes, struggle from month to month to get by, worry about paying their utility bills and making sure they can pay for their prescription drugs.

So giving them a helping hand, as we do in the Senate Finance bill, is a good thing. Good for them. Good for our economy. Senator MCCONNELL was obviously very critical of that. He hasn't said directly, but I wish he would go on record: Does he or does he not support providing an economic rebate check for 21 million Americans, those seniors who otherwise would not get a helping hand?

So when Senator MCCONNELL returns to the floor, will he sign up for our pet project to help 21 million Americans or is he against it? I am sure the voters of Kentucky would love to know.

Then there is another pet project in the bill, 250,000, one-quarter of a million disabled veterans, many of them just returning from the wars in Iraq and Afghanistan. I have met many of them. I am sure Senator MCCONNELL has met many of them. To think adding them to the bill is something that would be negative in the eyes of Senator MCCONNELL is hard for me to understand.

These are men and women who risked their lives and came back injured from the war; many of them had to fight the bureaucracy of our Government to get the basic care we promised them. In the Senate Finance bill, we provide a helping hand for a quarter of a million veterans, which the House bill does not. Is Senator MCCONNELL opposed to that?

Well, when he comes to the floor and states whether he is for providing assistance to 21 million seniors, I hope he will also state whether he is for providing a rebate check for a quarter of a million of our veterans.

We also have in the Senate bill a helping hand for those who are on unemployment. Unfortunately, the economy as it goes south has casualties, and they include millions of Americans. We know those people who have lost a job are looking for another one, scrape by with an unemployment check. And sometimes, even within the 26 weeks of unemployment, they cannot find a job they are looking for. So we suggested extending that for another 13 weeks. That is not a radical idea. It is a traditional way of helping people in a poor economy. It has been done over and over under Democrats and Republicans. We include that in the Senate bill.

So the obvious question for Senator MCCONNELL and the Republicans, when he comes to the floor to tell us where he stands on helping seniors and helping disabled veterans, is does he think unemployed people in Kentucky, for example, need a helping hand? If he says no, then it is a matter of record. If he says it is a pet product, a project we should vote against, then it will be on the record. I did not hear that this morning. I was listening for it.

Then there is this whole thing about the mystery and challenge of this bill. Senator MCCONNELL and Senator KYL are learned men. I have served with them in the Senate. I respect them very much. I know they have a great capacity for understanding complex issues. But they have said the trouble with this bill is they cannot seem to get their arms around it. It is, oh, so hard for them to understand the new provision in the bill. The new provision in the bill is less than a page and a half in length. The new provision in the bill can be described quite simply as about $1 billion to a program called LIHEAP.

LIHEAP is the Low-Income Home Energy Assistance Program. It is a program which provides help to Arizona, primarily in the summer months but to Kentucky in the cold winter months, so poor people, elderly, and others will have a helping hand to pay their heating bills.

Senator BERNIE SANDERS of Vermont has been a big leader on this issue. It has always been a bipartisan program. So I have to ask Senator MCCONNELL and the Republican leadership: Is this another one of those pet projects you cannot stand, something you think we should ignore when we talk about getting this economy on its feet? I think it is a matter that these Senators need to consider personally. Do they want to go home to Kentucky, for example, and tell those low-income individuals, struggling to pay their heating bills, that is a pet project we cannot afford at this point? I hope not. But at least let them be on the record by the end of the day.

The interesting thing is we could be having a real full-scale debate on the economic stimulus bill, but the Republicans have refused. They have told us they need more time to absorb the page and a half that was added to this bill. They need to think this one through. They need to study these words.

Well, it has been about 12 or 15 hours now that they have had to read this page and a half. I know they are up to it. I know they can do this. I know they can read that and understand it, even without the help of a Democrat.

When they do, maybe they will come to the floor, change their mind, and allow us to finally debate this bill. You see this is an empty Chamber. Sadly, it will be largely empty most of the day because the Republicans want to kill this day in the Senate. They do not want us to make any progress on the economic stimulus bill, nor on another important bill which is pending.

Senator REID, our Democratic majority leader, came to the floor yesterday and begged them again: Let us return and do some real business today. They said: No. Today, the Senate will stand around, it will not roll up its sleeves and do anything. We will not consider the Indian health reform bill Senator DORGAN of North Dakota has been working on, long overdue, 6 or 7 years. Some of the poorest people in America have not received the kind of health care which we would all like to have for our families. Senator DORGAN is trying to do something about it. They will not give him the time to finish the bill. This is a perfect day to do it. The Republicans will not give him an opportunity to do it.

Then there is another bill which has energy and water projects which have been needed all around our country. They have been held up by the objection of the Republican side. We have asked to return to them. Again, they have refused. We could do that today.

Then, of course, the economic stimulus package, which Senator MCCONNELL spoke of and then left the floor. I wish he would return. Let's have a real debate on it. Let's find out where he stands on helping seniors, disabled veterans, and others.

Then, of course, there is the Foreign Intelligence Surveillance Act. That is a bill we have been working on literally for weeks. We sat around for 3 days last week trying to come to some agreement about what would be in that bill, and we finally reached agreement.

Now we are ready to go. Several amendments have been debated and are near a vote. We have several more. Let's get going. Let's earn our pay around here instead of killing time and making speeches. We could actually consider debate. The Senate used to have that. It is a great Senate tradition. Senators with opposing views would come to the floor and respectfully disagree and argue their point of view and ask for a rollcall. I know some people who follow C–SPAN are wondering, when did that last occur? Was it in the last century? No, it has happened here from time to time. In the time I have been in the Senate, we have come perilously close to debate on at least a half dozen occasions. We can do that again. It would be a great return to Senate tradition. But it won't happen if the Republicans continue to filibuster, continue to obstruct, and continue to refuse to let us debate the important issues of our time.

Why wouldn't we want to debate today the Foreign Intelligence Surveillance Act? The President has told us over and over again it is critical. We need it. It is timely. We have to move on it. Yet when we want to call it on the floor, Senate Republicans refuse. They oppose us.

The day is not over. Senator REID will be on the floor a little later in an attempt to finally try to get us back to business. It is long overdue.

PRESIDENT'S BUDGET PROPOSAL

Mr. DURBIN. Mr. President, the President's budget is often described as ''dead on arrival.'' In fairness to this President and others, we should look at it in a different way. This is the President's proposal for the budget for the next fiscal year. It is a fiscal year for which this President will not be here. The year begins on October 1. He will end his term in office January 20. So most of this budget will affect the next administration, the next President. This is pure speculation on his part about where America should be in the next year as the President leaves office.

The folks at the Office of Management and Budget must have worked up to the last minute, because when they posted the President's proposed budget on line yesterday, two of the first 15 words were misspelled. Far worse than misspellings, however, many of the priorities in the President's budget are misplaced. The President has proposed the first $3 trillion budget in American history; $3 trillion. Yet with all that money, the President, with his priorities, continues to cut education and health care, energy conservation and

independence, affordable housing, veterans programs, and many national priorities. Seven years ago, President Bush came to town as one of the luckiest Presidents in modern history. As some might say, using an analogy from Ann Richards in a speech she once gave to a Democratic convention, President Bush started his administration, in economic terms, on second base. Things had been done to improve America's economy and its budget, and they were given to this President to continue.

President Bush inherited the largest budget surplus in America's history. In his first budget address in 2001, he promised to use that surplus to fund our priorities, strengthen our economy, and even pay down the national debt. He said after all that was done, he would have enough money left over for tax cuts. Today, 7 years later, after President Bush and Vice President CHENEY have been in the White House working with a Congress largely under Republican control, America's economy is in trouble. Federal spending during their term has increased 53 percent. Our deficit is expected to hit $410 billion this year, $407 billion next year. Instead of paying down the national debt, this President, who inherited a surplus, has piled record amounts of new debt for America and for generations to come. Under George Bush the national debt has increased by more than $3 trillion. We are going around the country, hat in hand, borrowing and begging from China, the Middle East oil states, Korea, Japan, about any other country that will pay our bills, because this President has been unable to. Now the President is demanding, nevertheless, that his tax cut ideas become permanent law.

How much would President Bush's tax cuts for wealthy people cost us if they were made permanent? Mr. President, $4.3 trillion over the next 10 years, tax cuts primarily for people who weren't even asking for them. That is not all. While the President claims to oppose tax increases, he is about to impose one of the largest tax increases in America's history on more than 25 million working middle-class families. He refuses to patch and reform the alternative minimum tax beyond next year. That is a $119 billion tax increase in 2010 alone.

The President continues to argue that we need to stay in Iraq and Afghanistan. His budget, nevertheless, cuts off funding for the troops after the spring of next year. What is that all about? The President says we have to stay the course. Senator JOHN MCCAIN said it could last as long as 100 years. President Bush in his budget cuts off spending for the wars in Iraq and Afghanistan in the spring of next year. He hasn't told us that the war is going to end then. I certainly hope it does. But he better get his story straight.

With the economy failing and time running out on this Presidency, one might think the President would change his approach and accept new ideas. Unfortunately, he is stuck in the same old program and the same old message. Nine million more Americans are uninsured today than when President Bush took office. Half of those 9 million Americans lost their health insurance in the last 2 years. It is getting worse and at a pace most American families can't keep up with. What does the President say about that? He wants to cut the Medicare Program, a program for the elderly and the disabled. In Medicaid, he wants to make cuts, a program for those in lower income categories, many of whom have lost their jobs. He wants to cut other parts of America's health care safety net. His budget singles out health care for the heaviest cuts while continuing to provide large overpayments to many private insurance companies.

In Illinois, more than 1.5 million people depend on Medicare, more than 2 million depend on Medicaid. Under the President's budget, Illinois would receive $123 million less in Federal Medicaid funds. Stroger Hospital in the city of Chicago is a public hospital of which I think very highly. They have a very competent medical staff. They treat the poorest of the poor, not just in Chicago and Cook County but for many surrounding counties. Over half the people who come to that hospital have no way to pay for their care. At Holy Cross Hospital in Marquette Park, 25 percent of those who are treated cannot pay for anything. Yet the President says we should cut the Federal Government's reimbursement to these hospitals? It doesn't make sense. We know what is going to happen. There will be an awful lot of Americans who will have no place to turn and won't have the professional medical care which we all want for our families.

When will this administration understand that Medicare is there to help our seniors, not to line the pockets of corporations? The President should fund Medicare.

In his State of the Union Address, the President also called on Congress to reauthorize No Child Left Behind. Yet once again, this President has underfunded his own law. The Department of Education estimates the President's budget will provide $588 million in title I funding in Illinois. That is just over half the amount promised under No Child Left Behind. As a result, 120,000 Illinois children will be left without full title I services. It is one thing to ask kids to take tests to figure out whether they are making progress or falling behind. But once they need a helping hand, how can this President repeatedly refuse to come up with Federal funds to fund the very mandates he has created? The President also siphons away $300 million from public schools to pay for vouchers for private and religious schools. Those vouchers come at the expense of 48 programs, including a lot of essential programs for students such as Perkins loans that help students go to college. I am not opposed to private and religious schools. I am a product of religious school education. They have a valuable place in our society. But the first obligation of the Government is to the public education system. The President, unfortunately, is not going to meet that obligation.

When it comes to homeland security, again the President refuses to put money in the COPS Program, the single most practical and effective way to provide men and women in uniform so they are there when we need them. This year he slashes funding for State and local law enforcement assistance, such as the COPS Program and the Byrne grants.

On energy and global warming, the President's budget is, unfortunately, unresponsive to the real national and global emergency we face. Record high oil prices are harming the economy, record emissions and pollution threatening our globe and its climate. We ought to be investing aggressively in developing renewable energy options. Instead, the President's budget proposes a 7-percent reduction in solar energy research, a 27-percent reduction in energy efficiency programs, and a 79-percent cut in weatherization programs to help families trying to keep their homes warm and cool. The President's budget cuts LIHEAP by 22 percent. As a result, 15,000 Illinois families would lose assistance.

It also proposes to eliminate what was once the centerpiece of coal energy research in America, the FutureGen plant in Mattoon, IL. This is one near and dear to my heart. For 5 years, I worked with a bipartisan delegation—Congressman TIM JOHNSON, Republican of Illinois, Senator OBAMA, and others—to win this plant for our State. Governor Blagojevich, local officials, everybody pitched in. We were announced to be the winners in the middle of December. Last week the Secretary of Energy pulled the plug and said: We are not going to fund this project. How can this President walk away from a zero-emission coal energy plant that has been something he has bragged about for so many years?

The subprime mortgage crisis has plunged America into our worst housing crisis, some experts say, since the Great Depression.

Two million families are likely to lose their homes to foreclosure over the next 2 years. There is a dramatic need for affordable housing all across America, from big cities to small rural communities.

Yet the President wants to slash or even eliminate programs that help rural communities build affordable housing and help families own their own homes, like the multi-family housing direct loans, self-help housing grants and single family housing direct loans.

The President also wants to eliminate the HOPE IV program, which helps cities restore public housing, and the section 108 loan program, which helps families rehab their homes.

The President's budget cuts community development block grants by $650 million. Illinois would lose $40 million for police officers, improved street lighting and sewer lines, upgrading low income housing, reconstructing problem roadways and operating substance abuse programs and homeless shelters.

Amtrak is vitally important to Illinois and all of America. Unfortunately, the President and his administration are once again attempting to privatize and eventually eliminate Amtrak rail service.

The President's budget cuts the Airport Improvement Program funding by $764 million.

Illinois would lose $25 million, threatening a critical source of funding for new runway construction at O'Hare, and improvements at airports such as Waukegan, Marion, Peoria, Springfield and many other Illinois airports.

Once again the President has refused to include funding for the wars in Iraq and Afghanistan in his budget. After 6 years of fighting, this administration continues to skirt the rules and avoid accountability and openness.

Continuing to fund the war through supplemental funding is one way the administration tries to mask the full cost of these wars. Another way is by underfunding veterans health and other services our veterans have earned and need.

The President is requesting $41.2 billion for the VA health care system—$1.6 billion below the independent budget's recommendation.

His budget shortfalls mean that there will likely be little relief for Illinois's nearly 70,000 veterans, who must still wait for an average of nearly 5 months to have their disability claims processed.

More than 76,000 farm families in Illinois produce crops and livestock that feed families all over the world.

Agriculture research is vitally important to Illinois farm families and to our national economy. The President's budget would cut agriculture research by $330 million, which could jeopardize promising research at the ARS lab in Peoria and the University of Illinois extension services.

In addition, the President proposes sharp cuts in rural broadband programs, rural housing, and rural business development.

In Illinois, which receives the second-highest total of USDA rural development assistance in the Nation, the President's cuts would all but eliminate popular grant programs that support innovative rural businesses, community facilities, and broadband networks.

President Bush is proposing the largest cut to the Corporation for Public Broadcasting in its 40-year history—a 56-percent reduction in funding.

America's 1,100 public radio and TV stations are an indispensible source of education, information for enrichment. The President's cuts would cripple them.

Illinois's 30 public radio stations would lose at least $6.5 million in total support and lose all of their digital transition funding and culture for sources, civic education, and special local content to communities.

Finally, in foreign affairs, the President's budget cuts the U.S. contribution to the global fund to fight AIDS, tuberculosis, and malaria by $341 million—funds that could provide life-saving AIDS drugs for 37,500 more people, treat more than 272,000 people for TB, and provide more than 2.1 million bed nets to prevent for malaria.

As the world's wealthiest and most powerful Nation, our actions encourage other donor nations to step up and devote additional resources to fight the global AIDS pandemic. Keeping our commitments to the global AIDS fight can help to restore goodwill for America in Africa and around the world.

Someone at the White House corrected those misspelled words in the first draft of the President's budget. It is up to Congress to replace the misplaced priorities in the President's plan and agree on a budget plan that meets the needs of America's families and businesses and communities and puts our economy back on the right track.

I yield the floor.

(Mr. DURBIN assumed the Chair.)

The PRESIDING OFFICER. The Senator from Montana.

Mr. TESTER. Mr. President, I ask unanimous consent that the time I consume apply against the Republican time.

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

DISABLED VETERANS

Mr. TESTER. Mr. President, this week the Senate will hopefully begin debate on an economic stimulus package. Front and center in the debate will be how we balance the need to get our economy going while once again addressing issues that revolve around the national debt. I hope there is one thing this body will agree on unanimously, that we must not forget America's disabled veterans in the debate. Earlier today I heard Members on the floor talk about pet projects. Veterans issues are an important project to me, and I will not forget about disabled vets as we move forward with this economic stimulus package.

There are about 2.8 million vets who receive some form of disability through the VA. The good news is that most of these folks hold down other employment and would get a tax rebate through the House's economic stimulus bill. But for another 250,000 disabled vets who have no other income other than their veterans disability benefit and maybe a Social Security disability check, they would get absolutely nothing from the House bill, not one red cent.

Let me say that again: The bill proposed by the House and by President Bush would not give a quarter of a million disabled veterans one nickel. That is simply wrong.

Under the leadership of Senator BAUCUS, the Senate Finance package corrects that error. It would ensure that the folks who were injured in the cause of defending our freedom are able to get something back.

I assure my colleagues that these veterans feel the pinch of higher gas prices, heating costs, and everything else in between, just as much as any other household struggling on a fixed income. The difference is that these folks have worn the colors of our country. They have defended this country. The way we treat those who have fought for our freedom and our Nation says a great deal about our society because when it comes to veterans, we are not talking about a handout, we are talking about a country honoring our promise we have made to our service men and women.

I wish to take a minute to read a letter I received recently from Warren Matte, a veteran from Harlem, MT. Here is what he says:

> For those of us who are combat veterans and poor people, we are now and have been in a recession for a good numbers of years. We are on the bottom rung of the ladder, and it looks like we will always be there. Some of us are surviving on VA benefits and Social Security. The long distances we have to travel here in Montana and the high cost of living is keeping us in poverty. There are 500,000 homeless veterans in this great Nation and no one cares. We put our lives on the line so everyone can be free and live the good life, and no one cares what happens to us and our families.

When our combat veterans are using phrases such as ''the bottom rung of the ladder,'' I think we can do better than that. When disabled veterans worry that ''no one cares,'' we must do better than that.

This Finance Committee bill is a step in the right direction. So I urge my colleagues, no matter what else you may think of the stimulus package, do not forget about the Warren Mattes of the world. Do not forget about our disabled veterans.

I have been in this body for a little over 1 year. I can tell my colleagues that from my perspective, the Senate is an easy place to stop things. If you choose, you can stop any piece of legislation from moving forward.

I think the House stimulus package is a good stimulus package, but it can be made a whole lot better, and we need to make it a whole lot better. For the 250,000 disabled vets, for the 2.5 million seniors, for those folks who need unemployment benefits, for those folks who need assistance with their heating bills, we need to make it better.

I am not sure this economic stimulus bill will get us out of the economic stresses we feel right now in this country, but I can tell my colleagues one thing: If we don't address the issues that revolve around the people I just talked about—the disabled vets, the seniors, the folks who need help with their heating, the folks who need unemployment benefits—we are making a huge mistake.

We ought not to be stopping with this bill. We ought to be making it better in the Senate and passing it on for the President to sign it. We ought to be stamping it with our approval.

Mr. President, I yield the floor.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. The Chair announces that morning business is now closed.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDING OFFICER. The Chair recognizes the majority leader.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

ECONOMIC STIMULUS

Mr. REID. Mr. President, yesterday and again this morning we heard some remarkable statements from our Republican colleagues that matters within the stimulus package are pet projects. Later, after that statement was made, we had another Senator come and say that they were Christmas tree ornaments. Then we had another Republican come this morning and say the stimulus package is certainly not needed. One of the Senators said unemployment benefits are totally unnecessary and that all it will do is increase unemployment. I am not making this up. This is what they said.

Now, we heard the distinguished minority leader, Senator MCCONNELL, come to the floor with a statement that is simply untrue. He said:

> If Americans are wondering why their checks aren't in the mail, they can find it in last week's news clips.

Everyone knows—if they don't, they should know—that no matter how the debate turns out, no one's check is going to be held up. Any stimulus plan—whether it is the House version standing alone as it now exists or the Senate Finance Committee version, which I favor strongly, or a combination of the two—would calculate rebate checks on the 2007 income tax returns. That is basically the only way you can do it. Taxes are not due until April 15. That is the way it always is. That is more than 2 months from today. So everyone should know that the checks aren't in the mail tomorrow. The only way it can be done is based upon the 2007 return, except for some people, and that is a very small minority. So let's not confuse or concern the American people with claims that aren't based on facts. Perhaps the Republicans don't understand the timeframe of the stimulus package. If they do, it should be clarified.

Now, what are some of the other things we have heard from our Republican colleagues? One suggested that we ought not to do anything to stimulate the economy. I talked about that. He said we shouldn't provide any help at all to the millions of Americans struggling to pay their bills and feed their families. Republican Senators have suggested that sending stimulus checks to 21.5 million seniors on fixed incomes is a pet project, a Christmas tree ornament; that providing assistance to help struggling Americans pay their heating bills through the Low Income Home Energy Assistance Program is a pet project or a Christmas tree ornament. I believe many Republicans—Republicans—could not disagree more strongly with those statements.

The stimulus package sent to us by the House of Representatives last week, as we have said from the very beginning, is a good start. I was part of a program to suggest the House should go first. There was some talk that we should try to get the two bodies together and do that. The way the Senate works, it would have taken too much time. Their rules are different from ours. So I said to go ahead and do it, and when they completed it, I gave them all the applause I could. I thought it was an important thing that they did that. But our job is to take the bill from the House and make it stronger.

The Republican leader and others have said this morning that working on bipartisan improvements is ''playing politics.'' I believe it is our constitutional obligation. It is how the Founding Fathers envisioned this country working. It is how they envisioned the legislative branch working.

But soon, Senators will have a chance to vote on the Senate Finance Committee's bipartisan plan. It will either be tomorrow, or it will be Thursday. Based on the House plan, it makes several improvements, the Baucus-Grassley package.

The Finance Committee package sends stimulus checks to roughly 21.5 million senior citizens who would get nothing at all from the House bill. Give them the money, and they will spend it.

The Finance Committee package sends checks to 250,000 disabled veterans who were left out of the House plan. Give them the money, and they will spend it.

The Finance Committee package extends unemployment benefits for those who have lost their jobs in the economy. To suggest, as has been done here on the floor, that extending unemployment benefits will make unemployment worse? We have people who are no longer counted as being unemployed because they have been off the rolls so long. The House bill doesn't take care of unemployment benefits. Economists tell us that it is the single most effective way to stimulate the economy.

The Finance Committee package is business-friendly. It gives small businesses greater ability to immediately write off purchases of machinery or equipment. It helps larger businesses with ''bonus'' depreciation or an extended carryback period for past losses to recoup cash for future investments. It gives them a tax break, and they will spend it.

Realtors are in town. They come every year. Homebuilders don't come usually this time of year, but they are here now because this provision is so special to them.

Without exaggeration, the States of California, Florida, Nevada, and Michigan are in big trouble. Other States are in trouble also because of their housing crisis. The Finance Committee package addresses the housing crisis in a number of ways, but one is including mortgage revenue bonds to be used by the States to refinance subprime mortgages. That is very important. That is why the homebuilders are here en masse today.

The Finance Committee package includes an extension of energy efficiency and renewable energy incentives to create jobs, expand the clean energy industry, save consumers money on their energy bills, and help begin to stem the tide of global warming.

I will also offer an amendment that we can and should all support. First, the House-passed bill's language on housing will be included in this package that we will vote on. I don't know who could object to that.

This amendment will increase the conforming loan limits for Fannie Mae and Freddie Mac, as well as the loan limits for FHA-backed mortgages, which will allow more homeowners to refinance and will reduce mortgage interest rates in virtually every part of the country.

Second, there is money to help low-income Americans heat their homes, through the Low-Income Home Energy Assistance Program, known as LIHEAP. This is important because it allows people to not have to choose between food, medicine or heat. So let's—while we are talking about heat—leave the overheated rhetoric aside and work on passing this legislation. This is important. We should do this.

Mr. President, I ask unanimous consent that the vote on the motion to invoke cloture on the amendment to H.R. 5140, which I have described, which contains the Finance Committee language on LIHEAP funding, occur on Wednesday, February 6 at 3 p.m., with the hour prior to that time equally divided and controlled between the two leaders or their designees.

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

Mr. MCCONNELL. Mr. President, reserving the right to object, it has never been our desire to delay consideration

of the House-passed stimulus package. The other side has made it clear they will have some package of changes. Those changes were discussed last week and, evidently, there was a decision to put a different package together. As I mentioned earlier this morning, we got that package last night. It was, apparently, a work in progress.

What I am going to do is ask the leader to modify his request. I know the senior Senator from Illinois said earlier today—or suggested that maybe people on this side don't support seniors or disabled veterans. So I will offer a request of the majority leader to modify his request so we do not have further delay.

Therefore, I ask unanimous consent that the majority leader's unanimous consent request be modified so that we proceed to the bill today—not tomorrow or Thursday but today—and that we have a cloture vote today on the amendment we received last night—the one to which the leader's request refers; further, if cloture is not invoked, that we proceed immediately to a vote on the Republican amendment that we will file at the desk; finally, that the Senate then proceed to a vote on passage of the House bill, as amended, if amended.

Mr. REID. Mr. President, reserving the right to object. I hope everyone within the sound of my voice understands how unfair and senseless the request is by my friend. We had discussions on the floor yesterday. The minority whip recognized that Senator MCCAIN, Senator OBAMA, and Senator CLINTON are not going to be here today. It has been very clear that I told them I needed an evening to get them here. If I tell them they have to be here tomorrow, they will be here tomorrow. Everybody knows this request by my friend is without foundation.

The Republicans—all 49 of them—are going to have to vote on the Senate stimulus package. They have to vote on that. Therefore, I object.

QUORUM CALL

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll, and the following Senators entered the Chamber and answered to their names.

[Quorum No. 1 Leg.]

Carper	Isakson	Reid, Nevada
Casey	Kyl	Tester
Durbin	McConnell	

The PRESIDING OFFICER. A quorum is not present.

Mr. REID. Mr. President, I move that the Sergeant-at-Arms be instructed to request the attendance of absent Senators, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the majority leader. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Delaware (Mr. BIDEN), the Senator from New York (Mrs. CLINTON), the Senator from Hawaii (Mr. INOUYE), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Massachusetts (Mr. KERRY), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Illinois (Mr. OBAMA), and the Senator from New York (Mr. SCHUMER) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Kansas (Mr. BROWNBACK), the Senator from North Carolina (Mr. BURR), the Senator from New Mexico (Mr. DOMENICI), the Senator from South Carolina (Mr. GRAHAM), the Senator from Arizona (Mr. MCCAIN), and the Senator from Mississippi (Mr. WICKER).

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

The result was announced—yeas 73, nays 12, as follows:

[Rollcall Vote No. 6 Leg.]

YEAS—73

Akaka	Feingold	Nelson (NE)
Barrasso	Feinstein	Pryor
Baucus	Gregg	Reed
Bingaman	Hagel	Reid
Boxer	Harkin	Roberts
Brown	Hatch	Rockefeller
Bunning	Hutchison	Salazar
Byrd	Isakson	Sanders
Cantwell	Johnson	Sessions
Cardin	Klobuchar	Shelby
Carper	Kohl	Smith
Casey	Landrieu	Snowe
Chambliss	Lautenberg	Stabenow
Cochran	Leahy	Stevens
Coleman	Levin	Sununu
Collins	Lincoln	Tester
Conrad	Lugar	Thune
Corker	Martinez	Vitter
Crapo	McCaskill	Voinovich
DeMint	McConnell	Warner
Dodd	Menendez	Webb
Dole	Mikulski	Whitehouse
Dorgan	Murkowski	Wyden
Durbin	Murray	
Enzi	Nelson (FL)	

NAYS—12

Alexander	Coburn	Grassley
Allard	Cornyn	Inhofe
Bennett	Craig	Kyl
Bond	Ensign	Specter

NOT VOTING—15

Bayh	Domenici	Lieberman
Biden	Graham	McCain
Brownback	Inouye	Obama
Burr	Kennedy	Schumer
Clinton	Kerry	Wicker

The motion was agreed to.

The PRESIDING OFFICER. A quorum is present.

The majority leader is recognized.

UNANIMOUS-CONSENT REQUEST—S. 2248

Mr. REID. Mr. President, one of the things I have the ability to do is to try to move the process forward, and that is what this vote was all about. Members came, we have had some conversations, and hopefully it will help move the process forward.

We are going to file cloture sometime today on the Senate stimulus package. That is the one reported out of the committee, as we have talked about the last 24 hours. So we will have a vote on that. Unless there is an agreement reached beforehand, we will have a vote on that an hour after we come to work on Thursday. That will be on the Senate stimulus package as we have brought it here to the floor. Of course, with consent, we could have it tomorrow. I would rather do it tomorrow so we can do some other things on Thursday, but it is up to the minority as to what we do.

I hope we all understand that the vote we just had was, as I have said before, an effort to try to move the process forward, a wake-up call, especially for my Republican colleagues, that we need to now start legislating. There is no reason in the world we should not finish FISA soon—work today on FISA.

We have other amendments Senators want to offer. We have 6 hours dealing with title II alone—one by Senators DODD and FEINSTEIN on immunity; we have the Whitehouse-Specter dealing with substitution; and we have one with FEINSTEIN dealing with exclusivity. Two hours on each one of those, the time equally divided, is 6 hours. There is no reason we shouldn't do that debate today. I want to vote on the four amendments already pending on FISA. We have those three I talked about and then, after that, there are four more with very limited time.

I think it is a little unusual here that we have an insistence we move forward and work on the stimulus package, yet we have had trouble doing that; and then we have been told, the latest on last Saturday, the President is talking about how important it is to do the stimulus package, and also he has talked incessantly about the need to complete FISA, but the Republicans have blocked our efforts to do that.

I don't want to always have to stand here and talk about unpleasant things, such as obstructionism and filibusters, but sometimes that is all there is to talk about. It is clear to me that once again the Republican minority seems to be more committed to obstruction than what it takes to make America stronger. We remain committed to giving our intelligence professionals the tools they need to make America more secure. With Republican cooperation, we can start doing that today. Today.

Mr. President, I ask unanimous consent that the Senate now resume the FISA legislation and debate all remaining amendments in order; that any votes in relation to these amendments occur at a time to be determined by me, after consulting with the Republican leader; that all time consumed during this debate count postcloture to this matter we are on now dealing with the House stimulus package.

The PRESIDING OFFICER. Is there objection?

Mr. MCCONNELL. Mr. President, reserving the right to object, I think it is

perfectly apparent to everyone who is observing this process that these two issues are interconnected in terms of how we fairly go forward, and I think the point has been well made by the 49 Republican Senators over the last year or so that our rights are going to be respected; that we are going to move forward on bipartisan bills, such as both of these, in a way that is respectful to both sides, and as soon as we have an understanding about how we are going to go forward on the stimulus package, then we will be able to make progress on this bill. I am optimistic we are going to be able to do both.

Ironically, I share the goal of the majority leader, which is to finish both these issues this week. You would think that was not the case for all the sparring and finger-pointing that has gone on the past few days, but I have the same goal he does, to finish FISA and the stimulus package. Both of them, at the end of the day, are going to pass on a strong bipartisan basis. But the process for dealing with them is not irrelevant, and that is what we have been discussing off and on for the past couple days. Hopefully, we will make some progress and be able to get going on FISA later today.

For the moment, I object.

The PRESIDING OFFICER. Objection is heard.

The majority leader.

Mr. REID. Mr. President, ''1984'' was a book written by George Orwell. He wrote the book many years before 1984, but he was trying to look into the future and talk about what he thought America would be like in 1984. It was a very interesting, compelling book, a best seller, and it made George Orwell a famous man for all generations of time. But the one thing you got out of reading that book is that there would come a time when people said one thing, and while they were saying it, they meant something else. That is what we had here just now with my friend, the Republican leader. We are going to move forward, get things done, there is no reason we can't finish things this week. Why in the world can't we do the FISA legislation today? I will tell you the reason. It is Orwellian talk from the other side. They want to stall the FISA legislation as long as they can—and they have done a pretty good job—because they want this legislation to be completed at the last minute to give the House and Senate conferees little time to work.

The RECORD should reflect how hard we have tried to pass the FISA legislation law, and the RECORD should reflect there is going to come a time when the FISA legislation will run out and the President will be saying things, as he has for 7 years, to scare the American people—the Democrats don't care; they do not care. Well, Mr. President, we care every bit as much as any Republican about protecting the American people. We believe there is a need in this modern world for eavesdropping on certain conversations, but we have the old-fashioned idea that it should be done in keeping with our Constitution. That is what this debate is all about.

I repeat for the third time here in the last few minutes that the RECORD should reflect we have been willing to legislate on FISA for some time now and we have been stymied every time. We need to go back no further than yesterday. Yesterday we wanted to have amendments offered. And I appreciated very much Senator WHITEHOUSE, Senator FEINGOLD, and Senator CARDIN coming and offering amendments. We should have voted on those last night. But, no, the Republicans wouldn't let us. Can we vote on them this morning? No.

Well, if they are not going to let us vote on the amendments, can we at least use up some of the time for debate on amendments that are going to be offered by other Democratic Senators, and we have one bipartisan amendment that will be offered by Senators WHITEHOUSE and SPECTER? Nope, can't do that. We can do two things at one time, we can do one thing at one time, is all I am asking we do.

It is very clear that the stall we had all last year is now in place again and we are going to be prevented from doing the work today. We are not going to be able to vote or offer amendments. We are going to stand here and look at each other until shortly before midnight tonight when I will offer to file the cloture motion. I can file it at any time. I don't have to wait until just before midnight. But that is when the time runs out. And we will have the vote Thursday, unless we work something out. But it is a shame, a shame for the Senate and for the American people, to waste all this time. It is time wasted.

Last year, as I indicated—and other Senators have talked about this—we had 64 filibusters where cloture had to be filed. For my friend to say all he wants, that all the Republicans want is to be treated fairly, we only have to take the block of time in the last 2 days. How much more fairly can they be treated? We say: OK, you are not going to let us vote; let us at least offer amendments and use up some of that time. Nope, we can't do that. Can we set a time to vote on the stimulus package? No. Are we going to have to use all that time postcloture? Yes, because we have to read the amendment.

The package from the Senate Finance Committee passed out of that committee a long time ago. We did add something to that. It is a page and a half long. Certainly 24 hours should be enough to read that one page or that page and a half. But I understand, we all understand, and the American people understand that we are living in the Senate in the realm of ''1984.'' When my friend from Kentucky comes here and says we want to move forward, all we want to do is be treated fairly, remember what George Orwell said. It is the direct opposite of what he said. What he is saying, in ''1984'' language, is we are stalling this as long as we can. And as long as we can is probably going to run out sometime tomorrow or Thursday.

The PRESIDING OFFICER. The Republican leader.

Mr. MCCONNELL. Mr. President, it is a little like deja vu all over again, which I suppose was said by Yogi Berra. This is the same discussion we have had for the last couple of days.

Setting aside all of the finger pointing and the parliamentary nuances, what we know for sure is that we have a Foreign Intelligence Surveillance Act measure that came out of the Intelligence Committee with a vote of 13 to 2—the Rockefeller-Bond bill—which the President will sign. Certainly it is not within the realm of possibility that Members of my party don't want to finish this bill soon. It is supported by a Republican President, Republican Senators, and we tried to get votes on it Tuesday, Wednesday, and Thursday of last week, to no avail. In fact, the last vote we had last week was on Monday afternoon, and then for 3 days it was sparring over that. I don't think anybody seriously believes the Republican minority does not want the FISA bill to pass.

With regard to the stimulus package, we have not been given procedural assurances. The majority leader is in a position to deny the minority the opportunity to offer anything, to fill up the tree and file cloture, and we have been given no assurances that we will be able to offer an alternative. It strikes me that the majority is in the absurd position of having argued the House bill is inferior. If the Finance Committee bill, plus additions, was not successful, why would it not be appropriate to give the minority assurances that an amendment to adjust the House bill, which the majority has been insisting for a week is not adequate, would not be appropriate?

These are the discussions we have been having off the floor. It is probably difficult to follow, for those who are watching it on television, because there are a whole lot of parliamentary nuances involved. But stepping back from the parliamentary part of it, we know for a fact the following: There is overwhelming bipartisan support for the FISA legislation, and the President will sign it. It was the President and the Democratic Speaker of the House and the Republican leader of the House who came together on a bipartisan stimulus package. We know there was overwhelming bipartisan support for doing a stimulus package.

I think we are going to get all this resolved and approve both these measures this week, but we are going to insist on doing it in a way that is fair to the minority.

That basically sums up my views on where we are at the moment, and we will keep talking about it off the floor and, hopefully, be able to have some meaningful votes here later.

Mr. DURBIN. Will the Senator from Kentucky yield for a question?

Mr. MCCONNELL. No.

The PRESIDING OFFICER. The assistant majority leader.

Mr. DURBIN. Mr. President, the Senate Intelligence Committee is a great committee. I served on that committee. I wanted to have a chance to have a dialog here with the Senator from Kentucky, the leader on the Republican side. He continues to overlook the obvious. The Foreign Intelligence Surveillance Act bill is the product of two committees—not one but two.

He says, well, he likes the Intelligence Committee version, and certainly it was a version that passed with an overwhelming bipartisan vote. But the fact is that the Senate Judiciary Committee also passed their version of the bill relating to specific elements that are equally important to the Intelligence Committee work, and what Senator REID, on the Democratic side, has tried to do is to give us a chance on the floor to vote on some of the key issues raised by the Senate Judiciary Committee.

In fact, we reached an agreement on how we were going to do it. It took us a week or more to craft a unanimous consent request to lay out the specific amendments we were going to, with understandings about how much time would be devoted to each and what the vote would be. I can tell you, I was involved in some preliminary parts of it, Senator REID stuck with it to the bitter end, and we did reach an agreement.

So what is stopping us? What is stopping us, for reasons I can't explain, is that the Republican side, which refused to yield for a question, wants to blame us for slowing down a bill which they are stopping us from calling.

That is what it boils down to, in the simplest terms. They want to blame the Democratic majority for not passing FISA. Yet they refuse to allow us to bring it to the floor and consider the amendment so that we can have a vote and bring it to final passage, take it to conference, and send it to the President. They cannot have it both ways. They cannot blame us for holding up a bill that they are holding up.

Secondly, let me say a word about the stimulus package. I would like the Republican leader, who tantalizes us with bits of information when he comes to the floor, to really spell it out. What is it in the Senate Finance Committee bill, this bipartisan bill, this Baucus-Grassley bill, what is it they object to? The so-called Christmas tree argument, the goodies, the pet projects? Let's be very specific about it.

Do the Republicans, the Senator from Kentucky and others, object to providing an additional few weeks of unemployment insurance for those who are out of work? If that is the case, say it. Do the Republicans object to the idea that we are going to try to deal with the housing crisis in America and put some provisions in to deal with that in an honest way? If so, say it. Do they object to Senator CANTWELL of Washington who is pushing for energy tax credits—an innovative, constructive part of our economy—that will help businesses get started creating jobs and keep America in the forefront of this research? If the Republicans object, say it. They are walking and dancing around, and they just will not come forward and say it.

We think the Baucus-Grassley bill, a bipartisan bill, is a good bill. We want to vote on that bill. We want the Republicans to go on record.

If they believe the homebuilders across America do not deserve some sort of tax benefits in one of the roughest times they have had to face in modern memory, then, for goodness' sake, be on the record and say it. But they come to the floor and tell us: Maybe we do not need a stimulus package. They argue that unemployment benefits aggravate unemployment. They do all of those backward arguments. It is no wonder that Senator REID continues to reference George Orwell; it really is impossible to follow their logic on the floor. But I think the American people know the outcome. The outcome is that we will do little or nothing today because the Republicans insist that little or nothing be done today, and then tomorrow they will come to the floor, and they will complain that nothing was done today.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, before my friend leaves the floor, I would like to direct a question through you to him. I have not had a chance to speak to the distinguished Democratic assistant leader, the whip, about this.

Are you aware that this perfect package the President has been talking about keeping together, the great bipartisan effort with the House and his people, are you aware that this package which we have been pushed and pushed to ''take it just as it is,'' are you aware that the Secretary of the Treasury today testified and made a statement that he thinks it is a pretty good idea to have seniors and disabled veterans included? Are you aware of that? So this perfect package may not be as perfect as they thought it was.

Mr. DURBIN. I would respond to the majority leader by saying that obviously the notion of a bicameral Congress has been tested and proven. I am glad Senator ROBERT C. BYRD is on the floor here to witness that statement, with which I am sure he will agree.

The fact is, as good as the House package might have been, we are doing our best to improve it. And now, as I understand it, two so-called pet projects—helping 20 million seniors and a quarter of a million disabled veterans—are now becoming pet projects of the administration. It would be great, and I hope the Republican side will join us in the rest of our bipartisan package.

Mr. REID. Mr. President, if I could direct another question to my friend. You are aware that the 49 Republicans—I should say 46 because 3 already voted courageously in the Finance Committee, so 46 Republicans are going to have to make a decision. They are not going to be able to pick and choose whether seniors are more important than people with no heat in their homes, more important than people with no jobs, more important than people who are having their homes foreclosed upon. The distinguished Democratic whip understands that they are going to have to vote for the stimulus package out of the Senate Finance Committee, not pick and choose which is more important, whether senior Americans are more important than the unemployed or the people with no heat in their homes or the people losing their homes? Does the distinguished Senator from Illinois understand that?

Mr. DURBIN. I would respond to the Senator from Nevada, our majority leader, that I hope the Republicans understand that the package we bring to the floor is the result of Finance Committee deliberation and votes and a bipartisan rollcall in support. It is not as if we were imposing our will here. We are bringing to the floor the measure that passed the Senate Finance Committee. And when was the last time a bill came to the floor which you agreed with in all of its different sections? There are usually one or two things in there I wish were written differently.

I would say to my friends on the Republican side that if they believe we should say no to families in Kentucky, to families in States around the Nation who are struggling with heating bills, then they have to understand that has been part of the bipartisanship package brought to the floor, and they will be voting against those people and voting against the unemployed, and that will be the record they can carry home from this debate.

RECOVERY REBATES AND ECONOMIC STIMULUS FOR THE AMERICAN PEOPLE ACT OF 2008—MOTION TO PROCEED

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of the motion to proceed to H.R. 5140, which the clerk will report.

The assistant legislative clerk read as follows:

Motion to proceed to the bill (H.R. 5140) to provide economic stimulus through recovery rebates to individuals, incentives for business investment, and an increase in conforming and FHA loan limits.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Let Senators be aware that we Senators must and should address one another in the third person. There is a reason for this: It minimizes the chances of us having on display bad tempers. Are Senators aware that Senators should address one another—how? Not in the second person but, rather, in the third person? Is the Senator from Timbuktu aware of that

rule? Is the Senator from West Virginia aware of the rule? Yes.

The Senator from West Virginia will take his seat. I thank the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. BROWN. I ask unanimous consent that the Senate now stand in recess under the previous order.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:25 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. CARPER.)

RECOVERY REBATES AND ECONOMIC STIMULUS FOR THE AMERICAN PEOPLE ACT OF 2008—MOTION TO PROCEED—Continued

The PRESIDING OFFICER. The Senator from Maryland.

Mr. CARDIN. Mr. President, let me first express my disappointment that we are not able to vote on the economic stimulus package. That package was reported out of the Senate Finance Committee last Wednesday. Each of us had plenty of opportunity to review the report from the Finance Committee and the provisions they added to the House package. For reasons I cannot understand, the Republican leadership is denying us the opportunity to act quickly on the package.

One of the major criteria for the economic stimulus package is it must be timely. The House took it up, passed it. Now it is our turn. We are ready to act. We have the bipartisan recommendations from the Senate Finance Committee. Now it is time for us to take action.

These are very difficult times. Let me review some of the most recent economic news. It is not good. The stock market is 11 percent lower than it was last October when it reached its peak. The price of oil has reached $100 a barrel. That is causing hardships for many families. Last month we saw job loss, an actual decline in employment for the first time in 4 years, a shrinking workforce. The President submitted his budget. He is showing the deficit, by his own numbers, increasing from $162 billion to $410 billion. That debt does not include the use of Social Security surpluses. It does not include such things as paying for the alternative minimum tax that we know we will have to deal with. We have tough economic times.

When one looks at the housing market, there is reason to be concerned. In 2007, home sales were down by 13 percent over 2006. There are over 4 million properties currently in inventory, a very high level of homes that can't seem to move off the market. We are all concerned about the subprime foreclosure rates. It is estimated now that we could have as many as 2 million subprime foreclosures by the end of next year. There are many ripple effects to what is happening in the economy. I was talking to some people in Baltimore, where we have the General Motors transmission plant. They were telling me that their sales of light trucks are down because of the housing industry, because so many of the people who work in the housing industry need light trucks. We have lost jobs in Baltimore as a result of what is happening in the housing market.

Another interesting fact, it is affecting local governments. It is now estimated that as a result of the decline in housing values, local governments will lose close to a billion dollars in property tax revenues. There is a real ripple effect to what is happening in our economy.

We have a responsibility to act. I congratulate the Federal Reserve for taking action on the prime rate. That was helpful. It was directly helpful in reducing interest rates, but it was also a clear signal that the Fed is going to operate to help the economy. So should we. For us to be effective, we must be timely. To be timely, we must vote on this bill. I am extremely disappointed that we can't use the time we have available today to take the necessary votes so each Member can cast their vote as to whether they agree with the Finance Committee, and then we can move on and send this bill back to the House and hopefully to the President within a short period.

I am pleased with the work of the Finance package. Another major point about a successful economic stimulus package is that it should be targeted to those programs that will help create job opportunities immediately. It is short term so it needs to be targeted. The Senate Finance package incorporates what the other body did in rebates to taxpayers, providing business relief through expensing and depreciation, but it goes further with some relatively modest changes in the total dollar amount but extremely important, if we want to make sure the economic stimulus package is targeted to those who need it and will help our economy. It also should be targeted to be fair, looking after the people who need help, the people who have been disadvantaged by a downturn in the economy.

The Finance Committee is recommending that we include low-income seniors. Low-income seniors are hurting today. They don't know where they are going to get the money to buy food or pay utility bills or medical expenses. There is a misconception that seniors have this wonderful health care system called Medicare. Seniors as an age group have the highest amount of out-of-pocket health care costs of any age group. Seniors are being hurt by the high cost of fuel. Seniors need help. Why should we leave them out of the package? Certainly, if we want to target it to those who will spend some money to generate economic activity, low-income seniors should be high on the list. Looking at it from the point of view of fairness, we should want to include low-income seniors. Quite frankly, I believe it was an oversight by the other body. I don't think this is controversial. It should not be controversial. That should be clearly added to the package. I congratulate the Finance Committee for including low-income seniors.

The Finance Committee also included disabled veterans. Those receiving disability benefits would qualify for a rebate. Let me talk about a matter of fairness. We are talking about men and women who answered our Nation's call who are now receiving disability benefits. That, again, was an oversight by the other body. They clearly wanted to include disabled veterans in the tax rebates we are putting forward. I don't believe this is a controversial issue. It is a matter of fairness, a matter of people who will help our economy, targeting the economic stimulus properly.

The Senate Finance Committee package also included an extension of unemployment insurance benefits. I want Members to concentrate on this one. When you have economic downturn, people lose their jobs. When they lose their jobs, in many cases their sole source of income becomes unemployment insurance compensation. The money we give as a safety net into which they paid through employment taxes—it is their money—is an insurance program. When we go through an economic downturn, it is more difficult for someone who has lost a job to find a job, because there are less jobs available. Historically we have extended the traditional 26 weeks of unemployment benefits beyond that, when we have an economic downturn. The Finance Committee said, as a matter of fairness, we should extend those benefits by an additional 13 weeks. For those States that have high levels of unemployment, we should go to 26 weeks of additional benefits. That is certainly the fair thing to do, because they are the people mostly hurt by the downturn in the economy. If our criteria is to target money into people's hands who are going to spend it if that is their source of income, we know that is going to get back into the economy. So it will help our economy to extend unemployment benefits.

The Finance package also includes an energy package to provide incentives for businesses to move toward more efficient energy sources and more environmentally friendly energy sources. It would include a package that will allow us to energize the economic sector for what we call green jobs. We know we need to change our energy policy. We know we need to be more sensitive to the environment. We need to be energy independent for national security so we don't depend upon other countries who are unfriendly toward us for our energy needs. We need to do that in order to deal with the problems

of greenhouse gas emissions and global climate change. We need to get on with an energy policy for our economy. We can't sustain abrupt increases in energy costs because of the whim of oil producing countries. For all those reasons, we need to be energy independent. We all agree—and I have talked to my colleagues from around the country on both sides of the aisle—that we have to unleash the creativity of America's businesses and the creativity of our free market. This package coming out of the Finance Committee provides the tools so American businesses can respond to the needs we have on creating alternative energy sources and a greener and more friendly environmental energy policy.

The package also includes the net operating loss so businesses that have lost money can benefit from this economy and can stay in business and can try to help our economy. It also includes a very important provision that Senator KERRY offered dealing with mortgage revenue bonds. Part of the problem we have in the housing market today is what we call a credit crunch. We also have people who are suffering from subprime mortgages and need some help as far as refinancing. The revenue bonding authority to local governments will help in both cases. It allows local governments to buy these mortgages. In many cases they will be below par. They will buy them for their value, but then they can refinance the property so people who are living in these homes can stay in them and are not going to be subjected to potential foreclosure. It is certainly in our interest to provide that help. It will also help with the credit crunch because the more money out there, the more dollars that will be available.

As I think I related earlier stories I have heard from the State of Maryland, I can tell you about homeowners in Salisbury trying to sell their homes, but they can't because the buyers can't get a mortgage. Everybody is being affected. So the package that includes the mortgage revenue bonds is important. The problem in our economy was triggered by the housing market. It wasn't caused by the housing market. There are a lot of problems out there, and it was certainly not the cause, but it was triggered by the housing market. So our stimulus package should try to deal with that. The Finance Committee package deals with it.

I thank the majority leader for adding one substantial change to the Finance package. He did that because there was bipartisan agreement. We have had Senators on both sides of the aisle urging that the package include help for LIHEAP, low-income energy assistance for families who can't afford their utility bills. The package will include some help for that group. There is consensus that we need to do that, but it is also part of the economic downturn, families who cannot afford and have to make the decision between food and energy. This will help them a little bit. The money will get right back into the economy, helping to stimulate the economy and helping us make this downturn as brief as possible so we can grow our economy.

This is a short-term economic stimulus package. It is important for us to act quickly. I am disappointed that we are being stalled by the Republican leadership and not having a chance to vote on it as promptly as we should. We are ready to vote. We know what is in the package. We should be voting on it and getting it back to the House so we can get to it conference and to the President as quickly as possible. It is short term. It will help stimulate the economy.

Then I hope we will see the same type of bipartisan cooperation between the White House and the Democratic leadership in the House to deal with deep problems we have in our economy. These are more long term. We are not going to reverse it overnight. These are not appropriate to be included in the short-term economic stimulus package that is on the floor. But these are issues that need to be dealt with. Quite frankly, I don't think they can wait until a national election. We need to work on them this year. We are in business. Let's get some work done. Let's work together, Democrats and Republicans. Let's stop stalling. Let's use the time this year to work on the problems of energy independence. We could take a major step forward. I have heard my colleagues on both sides of the aisle talk about how, if we would make a Manhattan type commitment or a commitment as we did to put a person on the Moon, we could become energy independent in a relatively short period of time. We have to start on that.

In 2007, we passed an energy bill that was a good bill. But it certainly didn't move as far as most of us wish to see us move. Let's move forward on that proposal. There is a proposal coming out of the Environment and Public Works Committee that contains a step forward on America being a leader on dealing with global climate change that the Presiding Officer worked on. So this is a bill that I think is very important that we move forward on. We can get it done this year. Let's not wait. Let's use the spirit of cooperation and understanding. This economic downturn occurred because we didn't pay as much attention as we should to the underlying problems of our country.

Let's get on with health care. Let's get a bill to the floor that will at least help start to deal with those who are uninsured, take on some of the major cost issues in our health care system, whether it is the high cost of prescription drugs or the high cost we pay because people don't have insurance so they go to emergency rooms or the need for medical technology so we have a more efficient system, a better use of preventive health care so people can get the care in a less costly way.

Let's move on in 2008. Let's not lose that opportunity, because it is going to take us years to accomplish those goals. We are not going to accomplish them overnight, but we need to get it done.

By the way, let's also take a look at this budget that was sent to us. I am glad to see my colleagues on both sides of the aisle raise very serious problems with the President's budget. Let us this year come together on a budget that starts to bring us into balance. We started with this administration 7 years ago with a budget that was in surplus. I was proud to be a part of the Congress that brought that budget into balance. We are going to have to do that again, but let's start in 2008. We don't have to wait until 2009. Let us start to get these problems resolved. If we do, we will be on a much sounder economic basis and we would not have to worry about another trigger coming along that causes us to go through another economic downturn with people being hurt.

But our responsibility at this moment is to deal with the short-term economic stimulus package. That is the opportunity we have that we can get done this week. That bill we can get to the President this week. Every day is important. I know I speak for most of the Members of this body that we want to get it done now. The choice is clear. We have the package, the bipartisan package from the Senate Finance Committee. Let's bring it up and vote on it and let's move forward. I would urge my colleagues to do that.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. 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.

Mr. CONRAD. Mr. President, yesterday, we received the President's budget for this year and for the next 5 years. I wish to take a few moments to comment on that and then on the need for a stimulus package given what is happening in the economy.

First, I wish to indicate that we have seen under the President's leadership a dramatic deterioration in the budget circumstance for the country. Last year, the deficit was about $160 billion. They are now forecasting, the administration is forecasting that under its budget proposal, the deficit for this year will reach $410 billion, the second biggest deficit in dollar terms in our Nation's history, and for next year, again a deficit of more than $400 billion.

This does not tell the whole story. This is the deficit story. The debt story is far more serious. As I have been saying for a number of years, the debt is the threat. However, we will never hear the word ''debt'' leave the lips of this President. Never. We will never hear him talk about the growth of the debt.

We will never hear him discuss the threat of the debt. We will never hear him discuss a plan to deal with the debt. It is as though the debt of the country for this President does not exist. Why? Well, perhaps because the debt is growing far more rapidly than the deficit.

(Mrs. McCASKILL assumed the Chair.)

Mr. CONRAD. Madam President, the President says the deficit for 2008 will be $410 billion. If you look at his proposals, you see the debt will increase under his plan by more than $700 billion. Let me repeat that. Under the President's plan, the debt will not increase by the advertised deficit of $410 billion; the debt will increase by more than $700 billion.

Why the big difference? The biggest reason is that, under the President's plan, nearly $200 billion in Social Security money is being taken to pay other bills. If you were doing that in the private sector, if you were taking retirement funds of your employees to pay operating expenses, you would be on your way to a Federal institution. But it would not be the House of Representatives or the White House; you would be on your way to the ''big house'' because that is a violation of Federal law. But here the President can propose a budget that does it. In fact, that is what he has done the entire time he has been in office. He has taken trillions of dollars in Social Security money and used it to pay other bills. The problem with that, of course, is that while none of it is counted in the deficit calculation, it all gets added to the debt. The result is that here is what is happening to the gross debt of the United States. At the end of the President's first year—and we don't hold him responsible for that year because he inherited a budget from the previous administration—the debt was $5.8 trillion, the entire debt of the U.S. Government, the Federal Government. We now see that at the end of 2009, which is the last year he will be responsible for, the debt will be $10.4 trillion. So he will have increased the debt of this country by 80 percent in 8 years. What a disastrous legacy this is. He has us on course to have more than $13 trillion in debt by 2013. This is before the baby boomers retire. We cannot pay our bills now. Can you imagine what is going to happen when we double, in very short order, the number of people eligible for Medicare and Social Security?

Madam President, perhaps of even greater concern is what this President has done to foreign holdings of our debt. It took all of these Presidents pictured here on this chart—all of the 42 previous Presidents—224 years to run up a trillion dollars of U.S. debt held abroad. This President has more than doubled that amount in just 7 years. He has added over $1.3 trillion of foreign-held debt in his 7 years. That means we now owe the Japanese nearly $600 billion; we owe the Chinese a sum approaching $400 billion; we owe the British over $300 billion; we owe the Koreans over $40 billion. That is the legacy of this administration.

Now the President comes with his budget, and says he is going to start doing something about the spending side of this equation. He said: I want to cut Medicare and Medicaid over the next 10 years by $600 billion. No, I didn't misspeak. That is what is in the President's budget. He wants to cut Medicare and Medicaid $600 billion over the next 10 years. That is health care for those who are Medicare eligible—largely the senior citizens of this country. The President wants to cut that by $600 billion.

At the same time, in the same breath, in the same budget, he says: While we are doing that, let's cut taxes another $2.2 trillion. Let's dig the hole even deeper and add more to the deficit and debt. Let's go more in hock to the Chinese, the Japanese, and anybody else who will loan us money.

Madam President, these numbers of the President substantially understate how serious it is. Why? Because, magically, he has just left things out. On the war, the President has no costs beyond the first half of 2009. The President said there should be no timetable on Iraq. He has just provided the timetable, hasn't he? He provided the timetable for withdrawal in his budget because he says there is going to only be funding for next year. The President, who said he is against a timetable for withdrawal, just wrote one. His timetable is provided in his budget. He says that after 4 months of next year, there is not going to be any funding for the wars in Iraq and Afghanistan. How much will be spent for the wars in 2010? He says zero. Next year, it is $70 billion, after spending nearly $200 billion this year. This budget charitably can be called a great work of fiction because it bears no relationship to any reality.

In addition, regarding the alternative minimum tax, which everybody says has to be fixed, he has the money to fix it for 1 year. He doesn't have a dime to fix it for any of the next 4 years after that. So we are talking about hundreds of billions of dollars that are not in this budget.

Finally, for the fourth year in a row, for the first time in any administration's history, the President provides no spending details past this coming year. So he has the cuts in there, but he doesn't tell you how they are going to be done. More make believe, more fantasy, and more fiction—that is what this budget is all about.

Madam President, the war cost $193 billion this year. Next year, it will only cost $70 billion—that is what the President says. That is in this budget. Can anybody believe it? I have not found anybody who does—not if the President's policy is pursued.

In terms of the priorities of this budget, they are also subject to serious question because if you look at the relative priorities of what the President has proposed, here is what you see.

For those who earn over $1 million a year, the cost of the President's tax cuts for that category of earners will cost $51 billion in 2009 alone. Let me repeat that. The cost of the tax cuts for those earning over $1 million a year will be $51 billion in 1 year alone. On the other hand, the President says we have to cut low-income heating assistance by $400 million. So you don't have $400 million for low-income heating assistance, but you do have $51 billion for tax cuts for the wealthiest among us.

The priorities continue in that same vein. It would take $826 million to restore the cuts to education that are in this President's budget—$826 million for 1 year. Again, the President says, no, it is far more important—if you do the math, he is saying it is more than 60 times as important to provide additional tax cuts for those earning over a million dollars a year, because the tax cuts for that category—the cost of the tax cuts are over $51 billion for next year.

The same is true in law enforcement. In many ways, this is the most startling. The President says eliminate the COPS Program, which has put more than 100,000 police officers on the street. The President says forget it, cut it 100 percent. No additional police on the street. What sense does that make when crime is rising? He doesn't say cut it; he says eliminate it. It would cost $596 million for 1 year to restore that program. Again, the cost of the President's tax cuts for those earning over $1 million a year is $51 billion. That is almost 100 times as much as restoring funding for police.

If we look at specific proposals by the President in this budget, we see he proposes cutting the COPS Program, as I have indicated, by 100 percent; weatherization assistance, cut that 100 percent; first responders—the aid to our firemen and our emergency personnel—he says cut that 78 percent; clean water grants, cut that 21 percent; community development block grants which help our cities—and every mayor will tell you these are the most flexible funds they get from the Federal Government—cut that 20 percent; cut low-income energy assistance 17 percent.

Madam President, that brings me to the subject of the need for a stimulus package. Economic growth, we are seeing, has slowed dramatically. The Congressional Budget Office says economic growth is going to slow to 1.5 percent this year.

By the way, all of the numbers I used, and the President's budget—do you know what economic growth number he used? He didn't use 1.5 percent, which comes from the nonpartisan Congressional Budget Office. He says the economy will grow at 2.7 percent. So all those numbers I showed are the best-case scenario, because he has a rosy scenario with respect to what economic growth will look like. If we look at the last quarter of last year, what

happened to economic growth? It slowed to six-tenths of 1 percent. That should be a tipoff that we have a problem.

Here is what is happening to the housing industry. They are not in a recession; they are in a depression. Here is what happened to new home building. It has gone from a peak in 2006, and it has virtually collapsed. We just met with the homebuilding industry. They say this is the worst downturn since the Great Depression. That ought to get somebody's attention.

Energy costs are spiking. We know what happened to fuel prices, fertilizer prices, home heating fuel, gasoline, and diesel. As a result of that, consumer confidence has taken an enormous hit.

Here is the index of consumer confidence, which was down very dramatically as we went through the months of last year and into the early part of this year. This is what signals that we are in serious territory and that the economy is seriously at risk.

The unemployment rate has risen sharply over the past year. We saw in the last jobs report that we actually lost 17,000 jobs. This was stunning to most economists, who were forecasting there would continue to be slow but modest job growth. Instead, it appears the economy hit a wall.

Madam President, this is what the Federal Reserve Chairman told us on January 17:

> Any stimulus program should be explicitly temporary, both to avoid unwanted stimulus beyond the near term horizon and, importantly, to preclude an increase in the Federal Government's structural budget deficit.

He went on to say about an effective stimulus:

> There is good evidence that cash that goes to low and moderate income people is more likely to be spent in the near term. . . . Getting money to people quickly is good, and getting money to low and moderate income people is good, in the sense of getting bang for the buck.

Here are the elements that represent improvements in the Senate stimulus package. We cover 20 million seniors who were not covered in the House package, and 250,000 disabled veterans are included in the Senate package but not in the House's. We have higher rebates for low-income households—$500 versus $300. It extends unemployment insurance benefits, which gives us the biggest bang for the buck. We prohibit illegal aliens from receiving rebates. That was not brought to their attention in an effective way, so, unfortunately, it is conceivable that illegal aliens could get rebates under the House package. We have prevented that in the Senate package. We also have better targeted business provisions, especially the net operating loss carryback. I am proud to have authored an amendment that losses in 2008 could be carried back to profitable years, so that companies that are in this depression—those in the homebuilding industry—will qualify for assistance to prevent them from having even steeper layoffs and cuts.

Finally, we encourage investment in alternative energy. Let me just point out that some say, in terms of incentives, that the extension for 1 year, for example, of the wind energy tax incentives, that is not stimulative. Really?

Tell that to the company in North Dakota that makes the big blades for wind turbines. They have told me, if the wind energy tax provision is not extended, they are going to start laying off people. They employ hundreds of people in my State. When people say the energy package is not stimulative, I tell you in my State it is because we have manufacturing facilities that make the giant blades for the wind turbines.

I have commented on the President's budget because the President is going to dump a debt bomb on the desk of the next President. That is what is going to occur. He has nearly doubled the national debt. He has it going up at a rate of $800 billion a year, not the $400 billion of deficit we read about in the paper. The debt is going up twice as much, $800 billion a year, after this next year when it is going up $700 billion.

The next President is walking into a fiscal meltdown of historic proportion. This President has been the most wildly irresponsible fiscal steward in this country's history. That is a fact. The next President and the next Congress better get ready because they are walking into an absolute fiscal quagmire.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Madam President, I ask unanimous consent that following my remarks, the Senator from Michigan be given 10 minutes, the Senator from Colorado 10 minutes, and if any Republicans come to the floor seeking recognition, that they be intervening between the Democrats.

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

Mrs. MURRAY. Madam President, first, I thank our budget Chair, Senator CONRAD, for presenting to us what has been given to Congress to consider from the President and the White House concerning our budget. I, too, am here this afternoon to talk about President Bush's proposed budget because, as we all know, we began debating it in our Budget Committee today. We have all had a look at this proposal now, and I think many of my colleagues on the Budget Committee agreed we could say it was nothing short of being dishonest and irresponsible and, frankly, unacceptable to many of us.

We are facing some pretty serious problems in this country today, but the budget President Bush sent to us on Monday fails to take any of those challenges into consideration. We are out here trying to pass an economic stimulus package in response to the fact that more than 1 million workers lost their jobs last year in this country. Across the country, we are seeing unemployment claims rise. People are very concerned about what is happening to their paychecks. They are worried about whether they are going to be able to pay for food or their mortgages in the future.

On top of that, we see as many as 2 million Americans who are losing their homes because of the current subprime mortgage crisis. Economists now are telling us that problem is going to get worse before it gets better.

So here we are, and the President sends his budget to us on Monday. It is his eighth and final budget request. He had a chance to send us a budget that would set us off on a fiscally responsible path, one that would help us strengthen this economy, invest in our country's future, and help those families who are struggling today to keep their homes and pay their bills. But instead, the President gave us more of the same, more of what we have seen for the last 7 years. Instead of taking steps in his final budget to help American families get back on their feet, he cut programs, such as heating assistance and job training. Can you imagine how that feels if you are worried about how you are going to pay your home heating bill or if you just lost your job?

Instead of laying the groundwork to reduce our debt, which the chairman of our Budget Committee, Senator CONRAD, has repeatedly told us is a huge issue facing us, instead of dealing with that, he gave us a dishonest budget that fails to state the true cost of war. He sent us a budget that put out a blueprint of $70 billion. He is asking $190 billion or $200 billion for this year alone. Does that mean the President is going to bring our troops home? No. He is simply being dishonest about what his programs and his proposals cost. The budget he sent us is going to require us to borrow billions from foreign governments to meet our expenses. I think that is irresponsible.

Over the last 7 years, America has paid dearly for the investments this President has failed to make, and this year in his budget we see nothing different. The Bush budget that was sent to us cuts critical programs at the Veterans' Administration, including medical research. When we have veterans coming home today who have post-traumatic stress syndrome, who have traumatic brain injury, who have lost their limbs, who are suffering from very debilitating issues, he cuts the medical research budget. He cuts funding for extended care facilities, even though we know the number of troops coming home who will need extended care is growing. And he asks the next generation of combat veterans to risk their lives in Iraq and Afghanistan and then says to them they are going to have to pay for part of the cost of their health care as a result of their serving this country.

The budget proposal he sent us cuts $484 million from critical workforce training programs right at the time that 7.7 million people are out of work

and asking: How can I get trained for the next job out there?

The budget he sent to us, as Senator CONRAD talked about, freezes Medicare reimbursement levels for our hospitals, for our hospices, for ambulance services, and long-term care facilities, even though it threatens access to facilities that are already stretched to the limit. This is going to affect every one of us who will need access to our hospitals, long-term health care facilities for ourselves and our parents in the coming years.

And for the fourth year in a row, amazingly, the President is proposing deep cuts to community development block grants. These are programs that every mayor in every city has told us are the most flexible dollars the Federal Government sends to them that helps them create jobs right at a time when they are facing these tough economic times.

Sadly, the President is slashing funding for section 8 and other low-income housing programs, even as more of our families are set to lose their homes than at any time since the Great Depression.

In the last 7 years, we have gone from a budget surplus to a record deficit, our roads and our bridges are crumbling, and we are paying for a misguided war on the backs of our grandchildren. People desperately want to see leadership that invests in those priorities and helps begin to turn this economy around.

People at home say to me: Invest in our future at home. But sadly, I think the legacy of this administration is going to be red ink and broken promises.

We have some hard work ahead of us as we try to repair the economy and build a budget in the Congress that matches our country's real priorities. That was pretty obvious today at our first hearing of the Budget Committee.

During that hearing, we listened to our OMB Director, Mr. Nussle. He talked a good game about wanting to work with Congress on his budget. But when we began to ask him critical questions, it was pretty clear how little President Bush and his Cabinet understand the priorities of the American people today. It was clear when I asked Director Nussle about why the President is proposing deep cuts to the Veterans' Administration construction budget when thousands of new veterans are entering the system every year.

We all remember what happened at Walter Reed a year ago, when it exposed the deplorable conditions at our VA facilities across this Nation, where we are sending those Iraqi war veterans and veterans from previous wars in horrible conditions. He stood with us and said we are going to fix this situation. Yet today, we get a budget that cuts the construction budget. How are we going to rebuild those facilities and make them into a place Americans can be proud of if the President doesn't ask for the money to do it? It was clear when Mr. Nussle refused to estimate the full cost of the Iraq war even for this year that they were not serious about this budget.

Just like any American family that is sitting down to balance its own checkbook, we are going to have some pretty tough decisions ahead in this Congress. We have to do it now. We have to be honest about what our obligations are and the expenses we face. It is time we take stock of our finances and get our books back in order. We have to invest in the priorities of America's families, and it is going to take a true commitment, but that is certainly something the President's budget failed to do.

We need an economic plan that works for everyone in this country. We need the economic stimulus package that we are trying to get passed that the Finance Committee did an excellent job in the Senate to put forward that will help provide short-term economic stimulus that is dramatically needed. Beyond that, we need a budget that invests in the American people and their priorities so our families can begin to feel strong once again. That is how we are going to get this economy moving.

It is time for a change, and I am looking forward to getting it started now.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Madam President, I first lend my voice to that of the Senator from Washington and the Senator from North Dakota, our distinguished chairman of the Budget Committee. I, too, am a member of the Budget Committee and am extremely disappointed that the President's budget this year is simply more of the same, in some cases worse—higher deficits, more cuts in a number of areas, and certainly the wrong priorities for families in America. It takes us in exactly the wrong direction from where we need to be going.

We are going to do what we have done in other years, which is put forward a very different vision for America, one that focuses on paying down the debt rather than increasing the debt, focuses on health care and education and investing in areas that will clean our water and our air and protect our lands and focus on the economy and good-paying jobs for middle-class families who are being hurt all across this country.

We heard today a larger number than I have even been using about what is being spent on this war. The number now is $16 billion a month, $4 billion a week on this war, and yet at the same time, the President believes we should eliminate funding for the COPS Program for local police officers and firefighters, makes dramatic cuts in Medicare and Medicaid, health care programs, cuts 48 different educational programs, and the list goes on and on.

I am looking forward, as a member of the Budget Committee, to put forward a very different vision. We intend to change the priorities of this country and put them back on those priorities that directly affect middle-class families and help them survive and thrive in an economy that is having a very tough time, where they are being hit on all sides with increased costs.

I wish to take a moment to speak about the stimulus package. As a member of the Finance Committee, I am very pleased with what we have been able to do working together on a bipartisan basis to come forward, again, with something that reflects a stimulus in the short run and focuses on critical areas, and we make sure a number of folks who were left out of the House package are not left out.

We start with 20 million seniors. I should also say we are going to have in this body two votes: a vote on whether to include 20 million seniors or a vote on whether to leave them out. That is the reality. Unfortunately, seniors on fixed incomes, whose only income is Social Security, have been left out of the House package. We, on a bipartisan basis, have put it into the Senate package.

So the question will be: Do my colleagues support and join with AARP and all the senior organizations that have been pushing and advocating and sending cards and letters and phone calls and urging us not to forget them, will you join with them, 20 million seniors, or will they be left out? We also want to make sure our disabled veterans are not left out.

I am proud of the fact that we, in this new majority, this Democratic majority, have put veterans health care at the top and last year included real improvements in health care funding for the first time since that war began—the largest funding increases to support our veterans since the war began. This is another step in supporting our veterans. Two hundred and fifty thousand disabled veterans will be left out if the House bill is passed.

So we have a choice when we vote. We vote yes on 250,000 veterans—our disabled veterans, who have given more than I will give or most of us will give for our country—250,000 disabled veterans get the rebates and are part of the stimulus or they are not. The Senate package puts them in, the House package leaves them out.

There is another very important piece of this package, and that goes to the question of millions of middle-class Americans, who, through no fault of their own, have found themselves in a situation without a job. I have spoken many other times on the floor about the reasons for that—from not enforcing our trade policies and not investing in the technologies and the infrastructure and the things that we need to be doing to grow a 21st century manufacturing base and to be able to keep manufacturing jobs, middle-class jobs, all across this country.

There are many reasons for the fact that we have millions of people who are

currently unemployed, but the fact is we do. We have middle-class Americans who find themselves on unemployment insurance, which pays about 40 percent of the normal wage, while they are trying to keep the house, keep up the mortgage payment, put food on the table, keep the lights on, pay for the kids' clothes that they need, and to put gas in the car so they can survive until they can get that next job.

Now, some have said, well, it is not that bad. I come from a State with the highest unemployment in the country. We have about 7.6 percent unemployment, and we are seeing not only in Michigan and a few States around the country that have been hit first, that this unemployment situation is beginning to creep out into millions of people, millions of middle-class families all across the country. So we are now hearing from Goldman Sachs and from the Bureau of Labor Statistics that while, as of January of this year, the unemployment rate was 5 percent, by next year the prediction is 6.5 percent. That is not Michigan, that is nationally. That is national unemployment.

So one of the things that is important about the Senate package is that instead of being behind the curve—and economists talk about our being behind the curve on a stimulus—we actually are putting in place a way to respond quickly to be ahead of the curve; to be there to extend unemployment compensation for 13 weeks and an additional 13 weeks if you hit this 6.5-percent unemployment, which, unfortunately, too many are saying we will reach. I hope they are wrong. I hope it goes in this direction. I certainly hope it goes in this direction for the great men and women in Michigan who have been working so hard. But the reality is it is most likely to be going in the direction of the 6.5 percent.

So for millions of middle-class families that have done nothing but play by the rules, care about their families, working for the American dream, proud to be Americans, sending their children or husbands and wives off to war, this package in the Senate will give them the dignity of knowing they can keep the household together while they are looking for their next job.

Now, a lot of folks say, well, this is going to discourage—in fact, I heard this from the Secretary of the Treasury this morning in the Finance Committee—that this may discourage people from looking for a job. Well, let us look at the reality of this. Let us look at the reality of what is happening right now in an economy where we have not focused on making sure we have a strong middle class, where we have not focused on enforcing our trade laws, where we are exporting jobs, not just products. Let us look at what is happening right now.

We have 7.7 million Americans—7.7 million Americans—competing for 4 million jobs. That is the reality in America today. So when we talk about the need to support and to help those 7.7 million Americans, this becomes absolutely critical as we look at our economy. The good news is that every economist, from the most liberal to the most conservative, as well as the Congressional Budget Office and so many others, has said that one of the best ways to stimulate this economy, in the short run, is to extend unemployment benefits. For every $1 in benefits, you generate $1.64. For every $1 that you put into unemployment benefits. Why? Because if you are unemployed, you don't have the option of saving. You are going to spend every single nickel you get.

Madam President, I ask unanimous consent for 1 more minute to close.

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

Ms. STABENOW. So when we look at this package, we have a choice between including or excluding 20 million seniors, excluding or including 250,000 disabled veterans, including or excluding millions of middle-class Americans looking for a job and, in addition to that, create jobs through alternative energy production and efforts to help the home-building industry, which is at the heart of what has been happening in terms of our economy. I am very pleased we have addressed those businesses that have operating losses now, to help them through the tax system and be able to keep going and not find themselves in a vice this year in terms of having fire sales to eliminate their inventory. I am pleased we have been able to include a $10 million revolving loan fund for States and local governments to help with refinancing of subprime loans.

We have a number of very important provisions, and it is very exciting to see the broad coalition that has come together, from business to labor, to seniors, to the environmentalists, to those creating energy jobs, to those in the housing workplace; and from homebuilders to those who are involved with State and local governments, and millions and millions of middle-class families all across this country who are counting on us to do more than provide a check but to create the ability for investments and for jobs that will grow the economy.

So I am very hopeful we will come together with the necessary votes to stop the filibuster that is happening here. I wish we could simply have an up-or-down vote on this. We certainly have the votes. But because of the situation we are in, because of the Republican filibuster, it is necessary to get 60 votes to be able to stop the filibuster. So I am very hopeful we will have enough colleagues joining together on a bipartisan basis in order to be able to do that.

Madam President, I thank the Chair.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. SALAZAR. Madam President, I wish to thank my colleague from Michigan for her great leadership on the Finance and Budget Committees and raising these issues that are so important to America. I think particularly when you come from a State such as her State of Michigan, where they have an unemployment rate that is knocking on the door of 8 percent, she knows how hard it is for families in Michigan and the families across America as they see our economy spiraling downward and going into a ditch, which essentially makes what we are trying to do in the Senate today more important than at any other time.

Madam President, I wish to start first by asking unanimous consent that I be permitted to speak on the Finance Committee stimulus package for such time as I may consume.

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

Mr. SALAZAR. Madam President, I wish to first comment on the Finance Committee and the way that committee works.

First, we are on the floor of the Senate with a Finance Committee package in large part because we have two great Senators who have been a part of this Chamber, a part of this institution for a very long time and who make it their priority to get results. They transcend partisan politics for the public purpose for which they were elected.

It is in that vein that time and time again the packages we have brought forth from the Finance Committee have had both Democratic and Republican support as we have tried to move forward to confront the challenges that face our country today. This economic stimulus package that is before us today is no exception. It was voted out of the Finance Committee, a committee I am very proud to be a part of, with a bipartisan vote, in a bipartisan spirit, and with the sense that we needed to give a flu shot to this economy before it gets sicker; and with the sense that we need to help this economy go into a positive direction as opposed to getting further and further stuck in the ditch of disrepair, where it has been headed for the last several months.

So this is a very important package that comes before the Senate today, and we must remember its genesis in the Finance Committee is in fact a bipartisan genesis to respond to what the President has asked the Congress to do, not only in his State of the Union speech but even before that, when he said we need to have a stimulus package to help get our economy back on track. Well, we have done our level best to try to put together that package in the Finance Committee. I am proud to support it, and I hope that when we get to a vote on the Finance Committee package tomorrow, we are able to get Republicans and Democrats to stand together in a resounding positive vote for moving forward with this Finance Committee package. I hope the vote is not just a vote that gets us to 60 but hopefully gets us to 70 or 75.

Now, why is it important that we move forward and jump-start our economy? Well, it is important for the American families whose lives are very much affected by the actions we take on the floor of the Senate. It is important to embrace what the President and the House of Representatives have done, which is to say we ought to put money back into the pockets of the American consumer so they can spend that money which then helps create jobs in America and helps to stabilize our economy. But what the White House and the House of Representatives did in their negotiations with Secretary Paulson and others is something that can be improved on, and certainly the bipartisan work of the great team on the Finance Committee, which includes the staff of that committee, has brought forth what is a significantly improved package over what came out of the House of Representatives.

The first of those improvements has to do with dealing with those Americans who were left out: 20 million elders, 20 million seniors, 20 million people who have given their lives to give us the opportunities we have in America today. I am speaking about those who came before us and who now depend on Social Security. The package out of the House excluded 20 million seniors because it says you have to have earned income in order to qualify for this tax check that is going to go out from the Government to the people of America. Why should we exclude these 20 million seniors who are receiving Social Security? Because Social Security is not earned income. Therefore, they are excluded under the provisions that came out of the House bill.

So if we are to honor what I believe is one of the fundamental values of America—that is to honor our elders, to respect our seniors—then it is important for us to make sure we change the package to include the 20 million seniors of America.

The one thing we do know, from what all the economists have told us, is that if you put this money into the pockets of 20 million elder Americans, those 20 million elder Americans are going to spend that money, which means it is going to help stimulate our economy. So that is one improvement.

Are there other improvements that could be made to this economic stimulus package? Well, the fact is there are other improvements that can be made. A second improvement we made in this package that we deliberated and worked out in the Finance Committee has to do with our disabled veterans. We have 250,000 disabled veterans in America today; 250,000 disabled veterans. Many of these veterans are veterans from World War II, some of them from the Korean conflict, some of them from the Korean war, and some of them are part of the 1.5 million veterans who have served in Operation Iraqi Freedom and Operation Enduring Freedom.

Why should these 250,000 veterans not receive the benefits we are providing all the rest of America today? It makes no sense, in my view, if we are trying to stimulate the economy. We put, probably for a family of four, $1,600 checks into their pockets. They are going to spend this money to help stimulate the economy. It is the right thing to do for us to uphold the American values and to support our veterans here in America. It is absolutely the right thing to do.

It is also the right thing to do in terms of one of the objectives which we have, which is to help stimulate our economy. Third, when I ask the question, can we improve this bill—yes, we can improve it by adding 20 million seniors. We can improve it by adding the 250,000 disabled veterans. But we can also deal with the reality of unemployment.

Maybe some people around here have not dealt with families that have been unemployed. But when you lose your job, you lose everything that creates a quality of life for you. Because you cannot take care of your family, you cannot take care of making your mortgage payment, you cannot take care of buying medicine for your children. And, yes, we have now States in America that are reaching an unemployment rate of 8 percent, and the economists are saying there are a number of States that are going to be up into 6 to 7 percent before too long. So extending unemployment benefits is also an important improvement in this package.

But it is not that we can take care only of seniors and disabled veterans and extend unemployment benefits; there are other things, I believe, we can do to help make sure that we improve upon the stimulus package for America we are considering here today, and that is to help the business community of America, make sure that business community remains in a way where it can continue to create jobs for the people of this country.

The incentive we have created in this legislation with the expensing provisions relating to small business, with bonus depreciation for businesses that expend money on equipment, will help keep America strong. Without those businesses creating jobs for America, we are going to continue to spiral downward. It is important that we do that.

I want to point out one provision relating to our efforts to try to support the business community of America here today, and it has to do with housing. The other day when we heard from the many economists who have come before the Finance Committee, one thing was very clear. One of my colleagues, Senator BAUCUS, talked about how the housing crisis itself was a canary in the coal mine. It is a signal to us that our economy is in trouble. The housing sector of our economy demonstrates that perhaps in a way that very few other sectors of the economy do. So it is important that we do something for the housing issues facing our country today.

The chart that is here by me demonstrates what is happening with housing across America. You look at what Moody's said would happen in terms of what they forecast to be, where we will end up as we move forward into these difficult economic times with respect to the housing market.

They predict that housing prices will decline by 15 percent before we see bottom. How many people in America own a house, and how many people in America have most of their value tied up in that house? When you see these times of declines in housing values, you know the people of America, the people who are watching us debate here on the Senate floor, know there is pain in the economy here in America today. When you lose 15 percent of what is your most valuable asset, you know there is a major issue with the economy. So it is important that we address the housing issues of America, and we are doing that partially in this legislation by including revenue bonds. There are other things we are going that have to do with the housing crisis we face here in America.

It is my hope one of the things we are able to do is to come back and address the housing issues, along with energy, along with the farm bill, in a chapter 2 of our economic agenda in the Senate. But it is also important, as you look at this chart, to look at what is happening with housing starts in America. We are in the worst shape today in housing starts in America than we have ever been. In fact, those who are associated with the home building industry will tell you we are in worse shape today than we have ever been since the Great Depression. There is no end in sight when this housing crisis is going to end with respect to the decline in housing starts that we see.

The economists out of Moody's project that housing starts are down 60 percent, at the bottom of this trough, with no end in sight. Who knows how far that will go down?

What we have done, spearheaded by Senator CONRAD and with the help of Senator STABENOW and Senator SMITH, is included in this legislation that will address the operating loss carryback provisions that apply to the housing industry. That economic injection will help the housing industry continue to stay afloat to weather the very troubled times ahead. Now, some people will say: Why are you bailing out the housing industry? Well, we are not bailing out the housing industry, we are trying to keep one of the sectors that is pivotal to a successful economy alive here in the United States of America.

Across my State, I know how many people work in the housing industry, from the roofers to the plumbers to those who put up the drywall. We know how many of them work. There are 300,000 people in America who are working in the housing industry today. So if the housing industry continues to go downward, if it continues to spiral

downward, we are going to see the bankrupting of one of the most important industries today.

This stimulus package does include some legislation that will allow them to take their carryback losses in a manner that makes sense for them economically so that they will not be forced into the halls of the bankruptcy court.

For a lot of reasons, I believe this stimulus package which is before us is a solid package. It is very significantly improved from what we were seeing come over from the House of Representatives. I would hope that the President of the United States, his Cabinet, Secretary Paulson, others, Secretary Gutierrez, join us in helping move this Senate Finance package through to the finish line.

The final point I would make is that though we hope we will get this package through, we know that our work here on the economic issues of America is not yet done. A second and short-term phase, which I believe we should undertake here in the next month or so, is we need to deal more comprehensively with the housing issues that face our country. We need to deal with the 2007 farm bill and get that through conference and get that done to ensure the food and fuel security of America.

We need to return to that Finance Committee-produced package on energy that would have fueled the clean energy future of America for the 21st century. We need to go to that as soon as we get the stimulus package through. I am hopeful that we will be able to move in that direction.

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

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

Mr. DORGAN. Madam President, I have listened with some interest today to many of my colleagues who have come to the floor to speak about what is called a stimulus package. I have never quite understood the word ''stimulus'' as it applies to economics. I did teach economics in college at one point. I guess the notion of a stimulus is to excite the economy, to do something to expand the economy.

The fact is, until a couple of months ago, the President was telling us the economy was doing really well; we have a strong, sound economy. The Secretary of the Treasury was telling us the economy is solid and we are on solid ground. Of course, most Americans knew better. Now we discover that the economy needs a stimulus. Let me describe why that is the case, and a response to some of the discussion on the floor of the Senate today.

We have had an almost unbelievable 7 years. President Bush came to the Congress at the start of his Presidency, and he said: President Clinton has left a large budget surplus. Alan Greenspan said he couldn't even sleep; the surplus was so big. He was worried the surplus was so large it was going to be a problem.

President Bush saw this projected surplus, a surplus in the first year of his Presidency and then projected for the next 10 years. He was so excited, he rushed to the Congress and said: You have to help me. We need to get rid of this projected surplus. We need to provide very big tax cuts. By the way, if you earn a $1 million a year in income or $10 million a year, brace yourself, I have big things in mind for you. I am going to give you a very big tax cut.

Some of us said: Mr. President, you said you were a compassionate conservative. Where is the conservative part of this? What if something goes wrong? These are just projections. Let's wait and see if these surpluses materialize.

The President said: Don't worry. Be happy. We want to give tax cuts, with the biggest tax cuts to the wealthiest Americans.

Sure enough, he got that through the House and the Senate—but not with my support. I did not vote for it. But almost instantly we saw, No. 1, the country move into a recession in 2001. Then we had 9/11 and the devastating attack by terrorists. Then we had a war in Afghanistan pursuing Osama bin Laden and the Taliban. Then we went to war in Iraq and had all of the homeland security issues. All of a sudden, we had all of this extra expense, and we had a downturn in the economy. What had been budget surpluses turned into very large budget deficits.

The President, oblivious to all of that, said: It doesn't matter. Things are the same, as far as I am concerned. We want more and more tax cuts for upper income Americans.

So that has been the fiscal policy for 7 years: ignore the obvious, ignore reality, and just preach the positive message and hope everything turns out all right.

The fact is, everything has turned out all right for some. If you are at the top of the income ladder, you have to be ecstatic. Your share of the assets and wealth of this country has dramatically increased. But if you are someone at the bottom of the economic ladder, working two jobs, trying to make ends meet for your family, if you are someone who is trying to buy a home, somebody who is trying to hang on to a job in a plant that the owners want to move to China in search of 30-cent labor, if you are someone who works in a company that has now told you times have changed, you no longer get health care and your retirement program is gone and if you don't accept a $2-an-hour decrease, your job is going to Shenzhen, China, you are somebody who is having a tough time with things in recent years.

Then, all of a sudden, we see the subprime mortgage scandal. The subprime mortgage scandal is an unbelievable scandal with greed in every direction, the brokers making massive amounts of money with fast-talking sales pitches to a lot of folks, putting them in a new subprime loan at a 2-percent interest rate that will reset 3 years later at rates people have no capability of paying; just buy it and flip it in 2 years, and you will make a lot of money.

The mortgage companies that were advertising on television were saying: Hey, get a mortgage from us. If you have had bankruptcy, no problem. You have trouble, you have bad credit, no problem. Can't pay your monthly home bills, no problem. We will give you a loan. Come to us. Bad credit, come to us.

You saw the ads. All of us saw those ads. Those mortgage companies and brokers together ratcheted up this huge bubble. Then what they did is, when they sold these subprime mortgages, they cut them up like sausage. Just like meat-packing plants filled sausage with sawdust for filler, they sliced up these mortgages, collateralized debt obligations—some subprime, some decent loans—and securitized them and sold them, and nobody knew what they had. All of a sudden, people can't pay their house payments. Interest rates get reset. They have no capability of paying. We have substantial bankruptcy, home foreclosures—it is a huge mess. It has caused a serious drag on the economy.

Couple that with this President's fiscal policy in which we have a $600 billion requirement to borrow in this fiscal year alone and a $700 billion trade deficit, $2 billion a year that we import more than we export. That is $1.3 trillion in debt this year on a $13 trillion economy. That is a 10 percent indebtedness in 1 year on top of the greed that comes from a subprime loan scandal and an economy that seems to have come to a dead stop.

Then they say: We need to stimulate the economy. Yes, we probably do. This economy probably needs a lot more than stimulus. We need to hook up some jumper cables to something.

The Federal Reserve Board—a board that has gotten a lot of my attention over the years—has taken aggressive action. They seldom take aggressive action on anything. They did two cuts, a three-quarters of a percent interest rate cut and a half a percent interest rate cut. The fact is, that is a bold move for the Federal Reserve Board.

Now it is up to Congress to do something on the fiscal policy side. But it is just a step, an important step. Psychologically, we must take this step, or markets and others would have an apoplectic seizure. So we write a piece of legislation in the Finance Committee, try to bring it to the floor of the Senate, and we have people doing all kinds of gymnastics on the floor. They say: Well, this is loading up a bill with ornaments and goodies and projects and so on.

I guess they want to avoid the obvious. The obvious difference that exists with this stimulus package is very simple. This stimulus bill, coming out of the Finance Committee, is supported by the Democratic chairman and the Republican ranking member. Senators BAUCUS and GRASSLEY said this: If you are going to stimulate the economy and you are going to give $500 rebates, you need to include the 20 million lower-income senior citizens who would not get a rebate under the House-passed stimulus plan.

Folks who work in this Chamber, take a shower in the morning, put on a blue suit, and come to work, are not, in most cases, trying to count their pennies to see if they will have enough for soup and medicine the rest of the week. But there are a whole lot of folks, senior citizens especially, living on fixed incomes who have an awful time making it stretch month to month. I meet a lot of them, especially a lot of older women living alone in many cases, trying to figure out: How do I make this income stretch to be able to pay for my medicine and to buy the food and pay the rent?

I mentioned medicine. Senior citizens are about 12 percent of the population. They consume one-third of all prescription drugs. One of the fastest growing elements of health care is the cost of prescription drugs. You can't do a stimulus package and decide that some 20 million senior citizens should not participate. You are going to give a rebate to the American people to try to stimulate the economy, and you are going to say grandpa and grandma don't apply, they don't count? What kind of approach is that? Grandpa and grandma don't count? We inherit this place from them. They were the stewards of this country of ours. They helped build this country. They provided the roots by which we, the branches, have been able to succeed. But now we have people in this Chamber who say grandpa and grandma don't count; millions of senior citizens shouldn't be a part of this.

The difference in the stimulus package being debated is one that is pretty stark: 20 million lower income seniors, many of whom need it most, under our proposal would get a rebate check of $500. To some, that doesn't mean much, I suppose. There are people around here who lose a cuff link worth $500, I reckon. But to a lot of people, $500 is very significant. We cannot—I emphasize—we cannot pass a stimulus package and walk out of that door with our heads high if we decide 20 million senior citizens don't count, that these senior citizens won't be included.

There is another issue in this piece of legislation that we passed out of the Finance Committee. It is something that for anyone who has studied rudimentary economics 101. It is one of the economic stabilizers in our economy: When there is an economic slowdown, you extend unemployment benefits. It is axiomatic that when there is a slowdown in the economy, you must extend unemployment insurance benefits. We have always done that. Yet those who object to what we have passed out of the Senate Finance Committee are saying, no, you can't do that. Don't support that. We don't support giving rebates to senior citizens who need it and we don't support extending unemployment insurance benefits to those at the bottom of the economic ladder who have lost their jobs.

Again, there is no one in this Chamber who would have lost their job during this slowdown. No one in this Chamber is going to go home and say, Honey, today wasn't a very good day. I was given notice that my job was over. It wasn't my fault. I worked pretty hard, but I was given notice that I am no longer needed. Nobody in this Chamber will have to get that message. But there are a whole lot of people in this country who have experienced that.

So when we talk about the economic stimulus package that came out of the Finance Committee, the major differences are simple and easy to understand. We say 20 million senior citizens cannot be left out of an opportunity for the rebate check. They too will stimulate this economy. They especially need that help. We say when those who have lost their jobs during an economic downturn and have run out of unemployment benefits, that their benefits should be extended, as we have always extended them during an economic downturn.

Yesterday, President Bush sent us a new budget, and it reflects much of what I have described of the priorities that seem to be completely backwards. The President's priorities are: Let's continue to borrow, borrow, borrow more money. Let's decide to cut substantially here at home the investments we should make in this country.

I spoke to a group about a half an hour ago that is very interested in rural water investments. All of us who come from rural States understand the urgency of getting good water to our communities. Rural water systems are unbelievably important. The President, as one example in this budget, said: Let's cut funding for the Corps of Engineers by $851 million. Let's cut funding for the Bureau of Reclamation by $183 billion. He said: Let's cut water funding for projects that will bring quality drinking water to people around this country in rural areas; let's cut that by about $1 billion.

I say consider this: In the President's budget, he said, let's cut water project funding in our country—the infrastructure investment that will bring dividends for years—let's cut that by $1 billion. This is from the Special Inspector General for Iraq. The Special Inspector General for Iraq says, we are now, American taxpayers, funding 967 water projects in the country of Iraq. We are going to cut $1 billion in water projects in this country, and we are funding 967 water projects in Iraq. We are designing and constructing the Ifraz main water supply project, $194 million. We are doing the Haditha project, the Baladrooz water supply project; we are building the water supply project at Meshkab. We are designing and constructing the water supply project at Nassriya. The list is long—I could read this for a long while. The water treatment plant in Sadr City, the water treatment plant in Al Wathba.

There is plenty of money, apparently, as long as it is overseas someplace. There is just not enough money to take care of things here at home. It is unbelievable to me.

By the way, while I am at it, most of this is done with contract work. We hire contractors. There is the greatest waste, fraud, and abuse in the history of this country with the hiring of those contractors. I brought this item to the floor a number of times—and I want to do it again, because I held about 17 hearings on this subject. I ask unanimous consent to show this towel on the floor of the Senate.

This towel was brought to us by Henry Bunting. Henry Bunting was a purchaser in Kuwait for the Halliburton Corporation, their subsidiary Kellogg, Brown, & Root. I had a hearing about waste, fraud, and abuse in contracting which is hair raising: $45 for a case of Coca Cola, $7,500 to rent an SUV per month. How 50,000 pounds of nails that were ordered to Iraq and they were too short. They are laying in the sand now, discarded, because none of that matters. Henry Bunting said Halliburton said: Don't worry about it. The taxpayer picks up the tab. He held up this towel. He said: This is an example of everything that is wrong. My job was to order towels for the troops, among many other things. He said: I filled out a requisition to order towels for American troops in Iraq, and I ordered white towels. He said: My supervisor at Kellogg, Brown, & Root said, No, no, no, that is not the towel we are going to order. You are going to order a towel that has KBR embroidered on the towel, the initials of the contracting company, the Halliburton subsidiary. Henry said: Yes, but that is going to quadruple the cost. It is going to cost four times more to buy a towel like that. His supervisor said: It doesn't matter. This is a cost-plus contract. The taxpayers are going to pay for this. This is just a towel. It is a towel that costs four times what it should have cost for the American taxpayer. But it is not just a towel; it is a brand new $85,000 truck that has a flat tire, and because it has a flat tire and they cannot fix it on the road because they didn't have the right wrench, they leave it there to be torched; or an $85,000 brand new truck that has a plugged fuel line that is left to be set on fire. Why? The American taxpayer will pay for all of that. That is not a problem. Nobody will even know, except I know, and some of my colleagues know. Nobody seems to care, however, in the executive branch. Nobody.

When I see what is now coming to us in this budget—it is interesting. When I talk about this issue of a hand towel with the embroidered initials of the Halliburton subsidiary, Kellogg, Brown & Root, that cost four times more, but they said, don't worry, it doesn't matter, the taxpayers pay for that. We don't care about that. All of this is funded out of these emergency requests sent to us by the President. Here is what he has done. It starts again this year.

In 2002, the President said: We are going to fight a war, and I want $49 billion, and I want it now, and I want it declared an emergency, and we are not going to pay for it. We are going to put it on top of the debt.

In 2003, he said: I want $76 billion. I want all of it declared an emergency and we are going to put it on the debt. We need that for the war. In 2004, he said: I want $87 billion. We are not going to pay for it. Add it to the debt. In 2005: I want $82 billion. In 2006: I want $92 billion. In 2007, he said: I want $103 billion. Last year, for fiscal year 2008, he said: I want $193 billion. That is $16 billion a month, $4 billion a week. He said: I don't want any of this paid for. I want to add it to the debt, because I am sending soldiers to war and they are going to come back and help pay the bill. Now, that is nearly $700 billion—nearly three-quarters of a trillion dollars, not a penny of it paid for. Not a cent.

Don't ever talk to me again about what is liberal or what is conservative. If this is a conservative President, as he claims, saying let's add almost three-quarters of a trillion dollars to Federal indebtedness because we don't have the courage to ask the American people to do what we should do, and that is pay for that which we are pursuing in Iraq—on top of this added to the debt, the budget we received yesterday is an almost unbelievable description of what has gone wrong and what will continue to go wrong as long as this administration doesn't recognize the unbelievable danger that comes from fiscal policy debt and trade debt.

As I indicated earlier, we are doing a stimulus package. I strongly support that which came out of the Senate Finance Committee. I strongly support the notion that we must include lower income seniors; we must include, for example, the stabilizers we have always included of extending unemployment insurance. All of that is very important. When we are finished with that, we must say to this President and to the next occupant of the White House that we have structural problems that cannot wait. We cannot possibly have a growing, vibrant American economy that expands opportunity for the American people unless we put our fiscal house in order. In terms of priorities, we can't be American leaders and say: Oh, by the way, let's cut $1 billion in water projects in the United States, and Katy bar the door, here are 967 separate water projects we want to fund in Iraq. We are going to say we can't build hospitals in the United States, but we will build hospitals in Iraq. We say we don't have enough money to rehabilitate the schools in the United States, but we will build the schools in Iraq.

My point is it is long past the time to start taking care of a few things here at home, and this President's budget is a completely bankrupt budget. This President's budget says the following: This President's budget says he will take our Federal debt from $8.9 trillion to $12.2 trillion in the next 6 years. Think of that. That is a complete abdication of responsibility. It means we have no leadership. It falls on our shoulders, it seems to me, to begin using some modicum of common sense, and we intend to do that.

I have some other things I was going to visit about today, but I want to wait because some of my colleagues are on the floor. I don't know whether Senator REID is ready with the unanimous consent request, but when he is, I certainly would want him to do that. I also know my colleague Senator SANDERS from Vermont is on the floor as well.

I would be happy to wait until after Senator SANDERS makes a presentation. But I want to make a presentation about a couple additional issues that relates to some of this.

At this point let me relinquish the floor, and perhaps I could ask unanimous consent that after Senator SANDERS is finished, I be recognized.

The PRESIDING OFFICER (Mr. NELSON of Nebraska). The majority leader is recognized.

ORDER OF PROCEDURE

Mr. REID. Mr. President, I tried to be very patient. I have been waiting for an hour to have some Republican come to the floor so I may offer a unanimous consent request. I don't know how much more patient I need to be. The unanimous consent simply says we are doing nothing today; can't we at least have amendments offered on FISA. I was talking with staff, Republican and Democratic staff. I understood that was something we could do. But now maybe we can't even do that.

I have called Senators. I have called Senator DODD and he is willing to come here and offer his amendment. Senator FEINGOLD is willing to come and offer two amendments. Senator WHITEHOUSE is willing to come and offer his amendment. We have people ready to work. But this is Super Tuesday, and at this late hour—Senator KLOBUCHAR is leaving in a few minutes to go back to Minnesota. They have a primary there tonight. The same in Illinois. A number of other Senators have left.

But we are willing to debate these amendments to speed up what we are trying to do. The President came out today with—it is difficult to comprehend this. He came out with a veto threat on FISA. Now, try that one on for size, everybody. The President has issued a veto threat on FISA today when we don't have anything for him to veto. Maybe he has come to the conclusion that he doesn't like the Intelligence Committee-reported bill. But that is where we are. The President has stated he wants to veto FISA. I guess he is becoming impatient to become relevant. I don't know what to say.

It is obvious there would be an objection, because we can't even get someone here to object, so I won't offer this because I would like to have one of my colleagues here, but I was going to ask unanimous consent to resume consideration of the FISA legislation, notwithstanding rule XXII. I was going to specifically mention amendments my folks are willing to offer. The Republicans also have amendments to offer. Senator BOND has a couple. But it is obvious that this is slowdown time, so I will not offer the unanimous consent request unless I hear something from—here it is 4:15 in the afternoon, and the only thing we have heard today dealing with FISA is the President's threat to veto something that doesn't exist.

Mr. REID. Mr. President, I ask unanimous consent that the Senate now resume consideration of S. 2248, the FISA legislation, notwithstanding rule XXII, and that the pending amendments be set aside for the purpose of offering amendments as follows: Nos. 3912, 3913, 3907, two by Senator FEINGOLD and one by Senators DODD and FEINGOLD; and that this would be for debate only—they are on the list, and the unanimous consent is now before the body—and that all time count postcloture to the stimulus package now before us.

The PRESIDING OFFICER. Is there objection?

Mr. MCCONNELL. Mr. President, reserving the right to object, and I will not object, we had a vigorous discussion at lunch about moving forward on this bill. I think I am safe in saying that the overwhelming majority of the members of the Republican caucus would like to have been voting today on amendments; nevertheless, that appears not to be possible. So at least we can debate these three amendments and get started in that way. I think that is a step in the right direction.

Mr. REID. Mr. President, further, other Senators may want to come and consult with my friend, the Republican leader, to see if there would be opportunities to offer their amendments. Senator BOND has two. Senators WHITEHOUSE and SPECTER have one. They agreed to come over. I think Senator FEINSTEIN has an amendment. This would be a big help, to get rid of these three today.

There is an order before the body that when Senator SANDERS finishes his statement, the Senator from North Dakota will be recognized. How long will he be speaking?

Mr. DORGAN. I will be no more than 10 minutes and probably not that long.

Mr. REID. Would Senator FEINGOLD be ready then?

Mr. FEINGOLD. Yes.

Mr. REID. I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. SANDERS. Mr. President, let me concur with Senator REID. The American people want us to begin to get work done for them. It is high time we did that.

I also congratulate the Senator from North Dakota and share his concerns about many of the points he made, not the least of which, if we are going to spend hundreds and hundreds of billions of dollars on this war in Iraq, that bill should not be left to our children and our grandchildren. We should at least have the decency to pay for that ourselves.

Mr. President, I wish to say a few words this afternoon about the budget President Bush brought before us yesterday and tell you I was extremely dismayed by what was in that budget and what was not in that budget. Frankly, in my view, this budget is unconscionable, and it reflects priorities that are hard to imagine and are way out of step with what ordinary Americans feel and believe.

While providing hundreds of billions of dollars in tax breaks for the wealthiest people in our country—the wealthiest three-tenths of 1 percent—over the next decade, the President, at the same time, has proposed major cuts in health care, in low-income heating assistance, in weatherization, in nutrition, in housing programs, and in other basic needs of low- and moderate-income Americans. That is a set of values which I think reflect badly on the White House and does not reflect the values of the American people.

In my view, this is a Robin Hood-in-reverse budget. This is a budget which takes from the poor to give to the rich. This is a budget which cuts programming for those most in need and gives billions of dollars in tax breaks for those least in need. This proposed budget simply tells us—again, if we didn't need this reminder—just how out of touch this administration is with the needs of working Americans.

Let me be very clear. I am a member of the Budget Committee, and I intend to do everything I can to make sure that President Bush's budget is rejected and that we bring forth in the Senate a new budget that reflects the priorities of the vast majority of the people in our country and not just the wealthy few.

Most Americans understand that our health care system is disintegrating. Everybody knows that. Since President Bush has been in office, 8.5 million Americans have lost their health insurance, 47 million Americans are now uninsured, and the cost of health care is soaring. How does President Bush respond to the growing crisis in health care? Well, it is an unusual response: He slashes funding for Medicare. He slashes funds for Medicaid. He cuts rural health care programs. In other words, he is making a bad situation even worse.

As I have said, Mr. President, we are living in a period where our health care system is disintegrating. More and more people lack health insurance. The costs are soaring, premiums are going up, copayments are going up, and deductibles are going up. The President's response to this crisis is to savagely cut Medicare, Medicaid, rural health care programs, and other health care programs. What logic is there in making a bad situation even worse? But it is not just health care.

I understand that it would be asking too much for this President to take on the insurance companies and take on the drug companies and move us toward a national health care program, which every other major country on Earth has. We are the only country in the industrialized world that doesn't guarantee health care to all people. I understand the President is not going to do that, but at the very least, he should not be adding more people to the rolls of the uninsured. At the very least, at a time when we have some 17,000 Americans who are dying every year because they lack health insurance, he need not make a terrible situation even worse.

In the State of Vermont and throughout many parts of our country, we have experienced extremely cold weather this winter. There are parts of America where we have seen 20-below-zero weather. At the same time, the price of home heating oil is soaring. In fact, it has more than doubled since President Bush has been in office. The result is that the LIHEAP program, Low Income Home Energy Assistance Program, which keeps millions of seniors and lower income households warm in the winter, is stretched to the breaking point. The simple truth is that when home heating costs soar, either States will cut back per person or they will deny large numbers of people any heating oil at all. That is the reality the States face.

I understand President Bush has no problem with the fact that his friends at ExxonMobil have just announced the largest profits in the history of the world for the third consecutive year—over $40 billion in profits in 2007. I know he has no problem with that. I know he has no great problem with the fact that home heating oil prices are now at over $3.30 a gallon. I know he is not worried about the fact that a few years ago, the former CEO of ExxonMobil, Mr. Raymond, received a $400 million retirement package from that company. From President Bush's perspective and ideology, I suppose those are good things.

Despite the President's lack of concern about rising fuel costs, it really is beyond comprehension that he would slash the LIHEAP program by $570 million in his budget—a 22-percent reduction from last year. Imagine that. The cost of home heating oil is soaring, LIHEAP is under great strain and it cannot do what it did last year for lack of funding, and President Bush's response is: Let's cut another half-billion dollars from LIHEAP.

What are people supposed to do next year under Bush's budget when the weather gets cold? What do old people who are living on Social Security and cannot afford the outrageously high prices for home heating oil do? Do they freeze to death? Do they move in with their kids? How many blankets do they have to throw on themselves? How do you treat old people when it gets cold? You don't slash LIHEAP by $570 million. That is pretty cruel.

At a time when millions of low-income seniors are struggling to survive on inadequate Social Security benefits, this President, in his budget, wants to cut back on nutrition programs for low-income seniors, in addition to cutting back on senior housing.

There is a program which, in Vermont, works very well—the Commodity Supplemental Food Program. It provides a free package of groceries every month to low-income seniors. People all over the country utilize this program. They need this program. The President may not know this, but hunger is on the upsurge in America. In this great country, more and more fellow citizens are going hungry. What we are seeing is emergency food shelves not having enough food to feed desperate people all over America. And the President's response to this crisis is to cut back or eliminate the Commodity Supplemental Food Program. What is the moral justification for doing that? I don't know.

I am a member of the Veterans' Committee, and I am proud that last year, against opposition from the White House, we substantially increased funding for the VA and are providing billions more so that veterans can gain access to quality care in VA hospitals and clinics. Despite all of his rhetoric about how much he loves and respects the troops, this President, in his budget, has proposed a very large increase in health care fees for veterans who access VA facilities. The increases would range from $250 to $750. What is the goal there? It is very clear. The goal is to drive veterans—low-income veterans—out of the VA system so the VA can save money. Thank you very much, Mr. President.

A week ago, the President, in his State of the Union Address, was telling us how much he loved and respected the veterans. Now he is raising fees for VA health care with the explicit goal of driving veterans out of the VA health care system. That is wrong but, frankly, it is consistent with what President Bush did some years ago when he completely eliminated access to the VA for so-called category 8 veterans, who were too wealthy. These were veterans who didn't have service-connected disabilities, were not wounded, but had incomes of over $27,000 a year. They were too wealthy to access VA health care.

Well, I say to President Bush, at a time when tens of thousands of our soldiers have been wounded in Iraq and Afghanistan, please do not balance

your budget on the backs of our veterans.

Since George W. Bush has been in office, we have seen recordbreaking deficits, and our national debt is now $9.2 trillion—$3 trillion more than when he came into office.

All of us in Congress want to move this country toward a balanced budget and to make sure our kids and grandchildren are not left with this enormous debt Bush has accumulated. But there are right ways to move us toward a balanced budget and there are wrong ways to do it and George W. Bush's budget moves us exactly in the wrong direction.

As many Americans know, since President Bush has been in office, the middle class has been decimated, poverty has increased, and the gap between the very wealthiest people in our society and everyone else has grown wider. In fact—and we do not talk about this terribly much, although we should be talking about it—the United States today has by far the most unequal distribution of wealth and income of any major country on Earth. In fact, our distribution of wealth and income is increasingly looking like Mexico, it is looking like Brazil, it is looking like those poor developing countries and certainly not looking like Europe, Scandinavia, Canada or other industrialized nations.

Mr. President, as you are more than aware, there are a lot of facts and figures that are thrown out on the floor of the Senate, but let me mention one statistic that I hope all Americans will pay attention to and to which I hope my colleagues in the Senate will pay attention. And that is, according to the latest available statistics, the wealthiest 300,000 Americans—men, women, and children—300,000 take in more income than the bottom 150 million. In other words, the upper one-tenth of 1 percent, 300,000, people earn more income than do the bottom 50 percent. One-tenth of 1 percent, 50 percent, more income for the top one-tenth of 1 percent. In my view, that is not what America is supposed to be about, but that is the direction in which we are moving. That gap between the people on top, a handful of people, and everybody else is getting wider and wider.

For those people who live in the bottom 90 percent of the population, the overwhelming majority of our people, their average income was $33,000 way back in 1973 before globalization, before computers, before a huge increase in worker productivity. Thirty-five years have come and gone, and today, inflation accounted for dollars, that average income has declined from $33,000 to $29,000. That is a $75-a-week pay cut. That is called the collapse of the middle class: people working longer hours, they are making lower wages. That is the reality facing tens of millions of our fellow citizens.

That explains to my mind why in yesterday's Washington Post a front page story was headlined: ''U.S. Concern Over Economy is Highest in Years.'' It doesn't take a genius to figure that out. People go to the gas pump and pay $3.15 for a gallon of gas. They go to work and the boss says: Sorry, you no longer have health insurance. Oh, I can't afford to pay my mortgage; I am losing my house. Oh, too bad, 3 million Americans lost their pensions last year.

In area after area, in almost every aspect of middle-class life, people are getting hit. Then when they go to the grocery store and have to use their credit card to buy their groceries because they don't have the cash available, they find they are paying 28 percent in interest rates so Wall Street can become wealthier. That is what is going on, and that is why the American people are outraged about what is going on in terms of the middle class.

I have to tell you I find it literally beyond belief that with poverty in America increasing, with the middle class shrinking and with the wealthiest people in our country having it better than at any time since the late 1920s—incomes are soaring for millionaires and billionaires, a huge growth in the number of millionaires and billionaires—in the middle of all that, what President Bush is saying is he wants to repeal the estate tax which would provide $1 trillion in tax relief to whom? To the top three-tenths of 1 percent; $1 trillion going to the top three-tenths of 1 percent. That is what this budget, this Robin-Hood-in-reverse budget is all about.

If you are old and you are having a difficult time heating your home, President Bush is going to cut the program that keeps you warm. If you are low income or a working person in need of health care, President Bush wants to cut the programs that help you. If you are a veteran who has put your life on the line defending this country, the President wants to make it harder for you to access VA health care by substantially increasing your fees. If you are a low-income person in a home which lacks insulation and you are spending all kinds of money trying to keep your house warm, the President wants to completely cut back and eliminate the weatherization program. That is the bad news. But if you are a billionaire, if you are one of the wealthiest families in America, in this very same budget, the President wants to give you huge tax breaks. Cutbacks for those in need; tax breaks for billionaires.

Let me give one example. If the estate tax is completely repealed, as President Bush wants that to take place, one family, the Walton family, which owns Wal-Mart, which is worth about $82 billion, that one family will receive over $30 billion in tax relief.

We hear on this Senate floor a lot about morality, right? We hear a lot about values. I want to know what kind of moral values there are when there are some people, including the President, who would give one family, an enormously wealthy family, a multibillion-dollar family, $30 billion in tax breaks and then cut back on the needs of millions and millions of low-income and working families? What kind of moral values does that speak to?

We have a lot of work in front of us. We have to completely rewrite President Bush's budget. We need to work hard so the people of our country once again begin to have faith in their Government, that they know those of us who are elected are prepared to stand with them rather than the millionaires and the billionaires and their lobbyists who have so much power over this institution.

We need, for a start, to reject the President's budget, rewrite that budget so it works for ordinary people. We need to pass a stimulus package which represents the needs of our seniors, our veterans, the middle class, working people. We need to do that now, and we need to build on that. Not only do we need to reject the President's disastrous budget, but more importantly, we need to reclaim the faith of the American people. Mr. President, I look forward to working with you to do that.

The PRESIDING OFFICER. The Senator from North Dakota.

PRIVATE DEBT COLLECTION FOR THE IRS

Mr. DORGAN. Mr. President, I had wished to conclude a couple of comments in morning business, after which I believe the Senator from Wisconsin, Mr. FEINGOLD, will want to begin discussing an amendment. I talked about the stimulus package and about the economy generally. I wished to talk about two issues I have been working on that I think need to be resolved.

First, it is almost unbelievable to me, but there is a tiny little issue—not so tiny perhaps to some—that needs to get fixed. This administration decided they wanted to farm out the collection of taxes owed to the Federal Government to private debt collectors. A number of us—myself, Senator MURRAY, and others—objected strenuously. We tried that before, and it didn't work. The administration pushed ahead. We passed a funding prohibition through the Senate Appropriations Committee. The full U.S. House passed a bill saying don't do this. Nonetheless, the Internal Revenue Service and the Bush administration pushed and pushed very quickly. So they decided to farm out tax debt collection.

What they did was put taxes that were owed and not paid in the hands of private debt collectors. Now we have had 1 year of experience with it, and I want to share with my colleagues what has happened. It is almost breathtaking to hear.

What has happened at the end of a year is the cost of administering the program to provide these delinquent taxes to debt collectors for collection has exceeded the revenue by $50 million. In other words, we have a project where the Internal Revenue Service

says we are going to take some of these areas where the taxes haven't been paid, we are going to give them to private debt collectors, and we are going to give them a commission for collecting it. So at the end of a year, the IRS lost $50 million.

I don't know how you lose $50 million when you are collecting taxes. That takes some genius apparently. It was estimated by the National Taxpayer Advocate that if the same money, just over $70 million that was invested in this program, had been invested in hiring the agents at the Internal Revenue Service, generally based on what they calculate, they would have collected $1.4 billion. So for this investment, the IRS could collect $1.4 billion or they could lose $50 million. Talk about staggering gross incompetence.

It would be kind of nice to put in the RECORD the names of every person who was involved in the administration so they can somehow be recognized in a ''Hall of Shame.'' How on Earth do you lose $50 million at the Internal Revenue Service with a program as goofy as this one? Again, take delinquent taxes, give them to private debt collection, and lose $50 million, or take the same amount of money and invest it in IRS collection and collect $1.4 billion.

What is the choice? The President's people said the choice is to give it to the private collection agencies because we like to privatize everything, and they end up losing $50 million. That is unbelievable.

We are going to try once again this year—and I think we will succeed—to shut this program down. Aside from losing $50 million, we have had experience with this program before. It was tried before. It was a miserable failure when it was tried previously. We have examples of what happens when private debt collectors get ahold of these things. First of all, you have very sensitive information about people's lives, the financial information on tax returns. There are criminal penalties for dealing with that information. You are going to farm that out. They say: We will farm it out, but we will protect the information.

It makes no sense at all to have been through this and then to farm it out to a private debt collection agency and find one elderly couple who gets 150 telephone calls over 27 day from a collection agency. It turns out they were not the taxpayers who were being called but, nonetheless, their phone rang 150 times. That is the kind of thing that goes on and shouldn't, in addition to the incompetence of losing $50 million.

Senator MURRAY, myself, and many others are going to fix this problem. It is important the American people understand what happened, and someone needs to be accountable for it.

STRATEGIC PETROLEUM RESERVE

I wish to mention one additional point because tomorrow Secretary Bodman is coming to Capitol Hill. He is the Secretary of Energy. I have great respect for Secretary Bodman. I work closely with the Department of Energy. I chair the appropriations subcommittee that funds all the water and energy projects in our country. So I have a relationship with the Department of Energy. I like the Secretary and I like some of the people who work for him down at the Department of Energy. But there is something going on down there that bothers me a lot, and I intend to talk to the Secretary about it tomorrow.

At a time when oil is priced at $90 to $100 per barrel and when the Strategic Petroleum Reserve—that is oil we stick underground that is saved for a rainy day, a national emergency or a time when we desperately need the oil—at a time when the Strategic Petroleum Reserve is 97 percent filled, this administration is taking oil through royalty-in-kind payments from producers in the Gulf of Mexico and sticking it underground. They are taking oil out of the supply pipeline that should have gone into the supply pipeline, at a time when we have these unbelievable prices for oil, and sticking it underground in domes to increase the supply in the Strategic Petroleum Reserve. It is exactly the wrong thing to do at this point in time. It is exactly what we should not be doing.

From August of 2007 to January 2008, 8.4 million barrels of oil were taken out of the supply. That is oil that was given as a payment in kind for the royalties our Government was owed. Instead of taking that and putting it into the supply, using the money to reduce the Federal debt and having the oil in the supply pipeline, the Dept. Of Energy stuck it underground. So at nearly a hundred dollars per barrel, we are putting oil underground, which tends to price gasoline at a much higher rate because you are diminishing supply at a time when that is the last thing we should do.

Now, the strategic petroleum reserve is filled with about 700 million barrels of oil. The administration's approach is: Well, let's top it off. Let's fill it to 727 million barrels of oil. The administration just awarded three companies contracts—Shell, Sunoco Logistics, and B.P. North America—to place an additional 12.3 million barrels of royalty-in-kind oil into the Strategic Petroleum Reserve for the next 6 months. So that means another 12 million barrels will be taken out of supply and stuck underground.

I mean, can anybody think of something that makes less sense at a time when $100 or $90 or $80 a barrel of oil exists? People are driving to the gas pump and having to consider a mortgage to fill their tank. Can't anybody think of something that we should rather do than take oil out of the supply pipeline and stick it underground? It makes no sense to me at all.

So I am going to propose legislation that says no more for filling the strategic petroleum reserve for the next year, unless oil drops below $50 a barrel. Let's take that royalty-in-kind oil and put it in the supply pipeline and make sure it contributes to an increasing supply and, therefore, lower prices for gasoline. Instead, the administration is intent on taking that oil and sticking it underground. That will have the impetus of pushing gas prices up.

Now, some would say: We are not talking about a large portion of oil here. Well, no, it is true, we are only talking about 12.3 million barrels in the next 6 months—8.4 million barrels from August to January. Is that a massive quantity of oil? No. But we have had witnesses testify before the Senate Energy Subcommittee and the Homeland Security Permanent Subcommittee on Investigations that the government is taking light sweet crude, which is part of a smaller subset of more valuable oil, and putting it underground that has the effect of increasing the price of gasoline.

So I am going to ask the Secretary a lot about this issue tomorrow when he appears before the Senate Energy & Natural Resources Committee, and I intend to address this in the appropriations process this year so that we can prevent this from happening further. At least until the point we have seen the price of oil come back down. My legislation proposes a prohibition from filling the Strategic Petroleum Reserve for 1 year or at least until a time when the price of oil comes back below $50 a barrel.

Again, the Strategic Petroleum Reserve is nearly 96 percent filled. Why would we put upward pressure on gas prices? Because the Federal Government has decided to do things that would put upward pressure on gas prices by putting oil underground at a time when we have hundred-dollar-per-barrel oil. It defies common sense. You couldn't find two people in Mike's Bar in Regent, ND, to make a judgment like that after they have been there a couple hours. Just common sense would tell you this makes no sense and we ought to stop it, and I intend to visit about this at some length with the Secretary tomorrow when he comes before the Senate Energy Committee.

Mr. President, I yield the floor.

FISA AMENDMENTS ACT OF 2007

The PRESIDING OFFICER (Mr. CASEY). Under the previous order, the Senate will resume consideration of S. 2248, which the clerk will report by title.

The assistant legislative clerk read as follows:

A bill (S. 2248) to amend the Foreign Intelligence Surveillance Act of 1978, to modernize and streamline the provisions of that Act, and for other purposes.

Pending:

Rockefeller/Bond amendment No. 3911, in the nature of a substitute.

Whitehouse amendment No. 3920 (to amendment No. 3911), to provide procedures for compliance reviews.

Feingold amendment No. 3979 (to amendment No. 3911), to provide safeguards for communications involving persons inside the United States.

Cardin amendment No. 3930 (to amendment No. 3911), to modify the sunset provision.

Feingold/Dodd amendment No. 3915 (to amendment No. 3911), to place flexible limits on the use of information obtained using unlawful procedures.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, I ask unanimous consent that the pending

amendment be set aside so that I may call up an amendment.

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

AMENDMENT NO. 3913 TO AMENDMENT NO. 3911

Mr. FEINGOLD. Mr. President, I call up amendment No. 3913.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Wisconsin [Mr. FEINGOLD], for himself, Mr. MENENDEZ, and Mr. DODD, proposes an amendment numbered 3913.

Mr. FEINGOLD. Mr. President, I ask unanimous consent that the reading be dispensed with.

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

The amendment is as follows:

(Purpose: To prohibit reverse targeting and protect the rights of Americans who are communicating with people abroad)

On page 6, line 6, strike ''the purpose'' and all that follows through line 9 and insert the following: ''a significant purpose of such acquisition is to acquire the communications of a particular, known person reasonably believed to be located in the United States, except in accordance with title I;''.

On page 7, line 7, strike ''United States.'' and insert the following: ''United States, and that an application is filed under title I, if otherwise required, when a significant purpose of an acquisition authorized under subsection (a) is to acquire the communications of a particular, known person reasonably believed to be located in the United States.''.

On page 9, between lines 9 and 10, insert the following:

''(iii) the procedures referred to in clause (i) require that an application is filed under title I, if otherwise required, when a significant purpose of an acquisition authorized under subsection (a) is to acquire the communications of a particular, known person reasonably believed to be located in the United States;

On page 17, line 2, strike ''United States.'' and insert the following: ''United States, and are reasonably designed to ensure that an application is filed under title I, if otherwise required, when a significant purpose of an acquisition authorized under subsection (a) is to acquire the communications of a particular, known person reasonably believed to be located in the United States.''.

Mr. FEINGOLD. Mr. President, this amendment, approved by the Senate Judiciary Committee, assures the new authorities contained in this bill will not be used to engage in what is known as ''reverse targeting of Americans.'' FISA requires the Government to get a court order when it is listening in on Americans on American soil. Reverse targeting refers to the possibility that the Government will try to get around this requirement by using these new authorities to wiretap someone overseas when what the Government really wants to do is listen to the American with whom that foreign person is communicating.

The Director of National Intelligence has testified that reverse targeting is a violation of the fourth amendment. This amendment merely codifies that constitutional principle. Specifically, the amendment says the Government needs an individualized court order when a significant purpose of the surveillance is to acquire communications of a person inside the United States. Now, this language is critical if we are to protect the constitutional rights of Americans because the underlying bill merely requires a court order if the purpose of the acquisition is to target the American.

A member of the Intelligence Committee, the Senator from Georgia, has said the underlying bill only prohibits surveillance when the Government is targeting a foreigner solely—solely—to listen to the American with whom that foreigner is communicating. Now, what does this mean? That means if the Government has any passing interest at all in the foreigner being wiretapped, it could intentionally conduct ongoing, long-term surveillance of an American inside the United States without a warrant. Now, the DNI says that would be unconstitutional, but it appears to be permissible under the current bill.

Recently declassified exchanges between the administration and congressional intelligence committees demonstrate why the issue of reverse targeting is a very real problem.

According to the administration, ''if valid collection of the foreign intelligence target indicates that the person in the United States is of intelligence interest,'' NSA would disseminate an intelligence report to the FBI, which can request the identity of that person and ''which could''—I repeat, could—''seek a FISA court order to conduct electronic surveillance in the United States.''

Mr. President, I ask unanimous consent to have printed in the RECORD the declassified documents to which I am referring.

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

When NSA is acquiring the communications of a person in the United States during its targeting of a foreigner overseas, is it reasonable to impose a time limit on NSA's determinations of whether to target the person in the United States or drop that individual? It is not reasonable to impose time limits on NSA's targeting determinations in this manner. If frequent contacts occur between the foreign target overseas and a person in the United States and if there is no foreign intelligence to be obtained, analysts will———such that the interception of the communications of the person in the United States when targeting the foreigner overseas will not occur. If valid collection of the foreign intelligence target indicates that the person in the United States is of intelligence interest, NSA would disseminate an intelligence report with the identity masked to the FBI, which could seek a FISA Court order to conduct electronic surveillance in the United States. If valid foreign intelligence is expected to be obtained by targeting the foreign selector, any incidentally collected information about the person in the United States would be handled in accordance with NSA's minimization procedures.

How many times has NSA obtained a FISA order to target a person in the United States where the initial target was a foreigner overseas and a U.S. communicant became of foreign intelligence interest? How many cases have there been where the target remains the foreigner overseas and there have been multiple communications between that target and a person in the United States such that NSA considered whether to obtain a FISA order to conduct electronic surveillance against the person in the United States? This is difficult to answer because NSA routinely provides information to the FBI and it decides whether to follow up by getting a FISA order to conduct electronic surveillance in the United States. For example, if an analyst reviews an intercept and finds evidence that a party to the communication (not the target of the surveillance) is a U.S. person, he would go through his foreign intelligence calculus. That is, he determines whether the communication contains foreign intelligence. If he determines that it does contain foreign intelligence, he would disseminate a foreign intelligence report. The report would mask the U.S. person's identity as ''U.S. person'' under NSA's minimization procedures. Upon receipt, a customer (here probably the FBI) would likely request that person's identity. Under NSA's minimization procedures, NSA would provide it if the requester demonstrates that the request is within the scope of its mission and knowing the U.S. person's identity is necessary to understand or assess the foreign intelligence in the report. In this case, the FBI would likely meet that test and, upon receipt of the identity, can decide whether or not to follow up. NSA surveillance against the foreign target would continue.

Mr. FEINGOLD. Mr. President, this confirms that when the Government has an interest in an American, it is entirely up to the discretion of the FBI to decide whether the Government will seek a warrant to listen to that American's communications. But the FBI may not seek a warrant for any number of reasons, including lack of resources, insufficient coordination with other elements of the Government, or simple incompetence. A recent Justice Department inspector general report finding that the FBI's court-approved surveillance was disrupted because the Bureau failed to pay the telecommunications company on time should give us cause for concern.

In this case, this amendment would actually help us to stop terrorists by requiring that when a foreign terrorist talks to a person in the United States and that communication prompts a significant interest in the American, it can't just plain fall through the cracks.

Now, of course, the FBI might also choose not to seek a warrant because it doesn't have a real case against the American or because the Government doesn't want to tell the FISA Court the real reason it is interested in that American. So if the FBI doesn't seek a court order, can the NSA just listen in indefinitely to the communications of Americans so long as they are communicating with a person overseas? I am afraid to say, Mr. President, the answer appears to be yes. According to the administration, the FBI, upon receipt of the identity of the American, ''can decide whether or not to follow up. NSA surveillance against the foreign target would continue.''

The Government's apparent authority to continue indefinitely its surveillance of the international communications of Americans is not limited to terrorism cases where the Government should at least have an incentive to seek warrants against an American. It applies to all foreign intelligence. That includes the communications of an American who is talking to a person overseas who is not a terrorist suspect, is not suspected of any wrongdoing, and is not even an agent of a foreign power. Yet, no matter how interested the Government is in what that innocent American has to say, if the FBI doesn't think it is worth its while to seek a court order or if the FBI knows it couldn't get the order, the surveillance continues nonetheless.

This raises serious constitutional concerns, which is why the Rockefeller-Levin bill, the alternative to the Protect America Act that the Senate considered back in August, required procedures to seek a court order if electronic surveillance was ''of the nature or quantity as to infringe on the reasonable expectations of privacy of persons within the United States.'' Yet, in a recently released letter, the DNI complained about this requirement, saying it would take months to make this determination, that they couldn't determine in advance what such a procedure would say. In other words, even as the administration sought and obtained broad new authorities to collect communications of Americans, the administration refused to even consider when it might be violating the Constitution.

If the administration can't assure us that they respect the Constitution, Congress needs to step in. For all their promises that reverse targeting is not occurring, the record is clear there is nothing to stop it, and the administration has resisted establishing procedures to protect the rights of Americans. At the same time, it has sought to remove the FISA Court's ability to protect those rights.

This bill denies the FISA Court any role whatsoever in determining or monitoring why a person overseas has been wiretapped, which, of course, would help indicate whether the Government is conducting reverse targeting of an American. The bill denies the court the ability to monitor what becomes of the communications of Americans that are collected.

Mr. President, it is clear this administration won't protect the constitutional rights of Americans, and unfortunately, in the PAA, Congress passed legislation denying the courts any oversight role. It is critical Congress act to remedy this great problem. We have a unique opportunity to protect the Constitution and stop abuses before they happen. I hope my colleagues will support this amendment.

Mr. President, it appears there is no opposition to it, but nonetheless I will retain the remainder of my time.

Mr. President, I ask unanimous consent that the pending amendment be set aside so that I may call up another amendment.

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

AMENDMENT NO. 3912 TO AMENDMENT NO. 3911

Mr. FEINGOLD. Mr. President, I call up amendment No. 3912.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Wisconsin [Mr. FEINGOLD], for himself, and Mr. DODD, proposes an amendment numbered 3912.

The amendment is as follows:

(Purpose: To modify the requirements for certifications made prior to the initiation of certain acquisitions)

On page 10 between lines 5 and 6, insert the following:

''(vii) the acquisition of the contents (as that term is defined in section 2510(8) of title 18, United States Code)) of any communication is limited to communications to which any party is an individual target (which shall not be limited to known or named individuals) who is reasonably believed to be located outside of the United States, and a significant purpose of the acquisition of the communications of the target is to obtain foreign intelligence information; and

Mr. FEINGOLD. Mr. President, this amendment ensures that in implementing the new authorities provided in this bill, the Government is acquiring the communications of targets in whom it has some foreign intelligence interest and is not conducting bulk collection of all communications between the United States and overseas. This amendment was also approved by the Judiciary Committee.

This amendment is necessary because of the vast and overbroad authorities provided by the PAA and this bill. In public testimony, the DNI stated that the PAA would authorize the bulk collection of all communications between the United States and overseas. Now, that could cover every communication between Americans inside the United States and Europe or South America or the entire world. It could also include a communication between Americans overseas and their family and friends back home.

This bill is understood to allow the warrantless targeting of a terrorist suspect overseas even when that person is communicating with an American at home. The bill does not simply apply to terrorist suspects, however. It permits warrantless collection of communications between law-abiding Americans and people overseas who are not suspected of doing anything wrong at all. That is a problem that needs to be addressed. But this bill does not just allow the targeting of conversations of people who are not suspected of any wrongdoing; this bill actually allows the Government to capture all international communications to or from the United States in bulk, for no good reason. I think it is safe to say no one in this country expects that all of their international communications can be collected by the Government. That kind of communications dragnet would offend anyone who has ever communicated with friends, family, or professional associates in other countries. It raises serious constitutional questions. It would completely overwhelm the already inadequate minimization procedures that are the only bump in the road to completely uncontrolled dissemination of information about Americans. And there would be no court oversight whatsoever.

Bulk collection poses yet another serious constitutional danger. By collecting all international communications, the Government would be collecting communications between Americans overseas and their friends and family back home.

Senators WYDEN and, WHITEHOUSE and I have fought hard to ensure that Americans overseas cannot be intentionally targeted without a warrant, but bulk collection is a backdoor way to conduct the same warrantless wiretapping. Imagine the number of Americans' communications, not with foreigners but with other Americans—with other Americans, Mr. President—that would be acquired by the Government through bulk collection of, say, communications between the United States and Britain. That means Americans studying and working abroad, tourists passing through, and even U.S. troops stationed there.

Nothing—nothing—would prevent their communications from being collected and retained, and nothing would prevent those communications from being disseminated so long as the Government decided there was foreign intelligence value.

I ask my colleagues: At what point do we draw the line? At what point does the Constitution mean something? I am sure some of my colleagues will say we should trust the Government not to do this, not to abuse this. Yet the DNI has testified that while bulk collection is not needed:

It would certainly be desirable, if it was physically possible to do so.

This is not a short-term piece of legislation. It is not reassuring that the intelligence community cannot currently collect all international communication. This bill does not sunset for years. What is technically possible in this area changes rapidly. Given the potential impact on the privacy and constitutional rights of Americans posed by bulk collection, Congress needs to act now. The DNI has put us on notice that bulk collection is both authorized and, in his words, desirable. Legislative silence on this issue is consent. This body must take a position on this issue. Should the Government be able to sweep up all international communications involving Americans at home and abroad? We cannot avoid that question. The bill, combined with the DNI's comments, places it squarely before us.

The amendment I have offered here is extremely modest. It merely requires the Government to certify to the court

that in using these broad new authorities to conduct warrantless surveillance, it is collecting the communications of foreign targets from whom it expects to obtain foreign intelligence information. The Government does not have to explain its foreign intelligence interests to the Court; it does not even have to identify its target. It merely has to say that an interest exists, and the court cannot challenge this certification. Because this amendment is so modest, opponents have raised an absurd hypothetical argument against it, and this is what it is: that it would somehow prevent the collection of communications into or out of an enemy-occupied city that the U.S. military is about to invade.

This argument is plain silly. My amendment requires that there be a foreign intelligence purpose for collection. This hypothetical posited by opponents of the amendment—and all individuals in a city our troops are about to invade would clearly have foreign intelligence value. That is what distinguished this case, in which the Government can easily make the certification required by the amendment and, on the other hand, the bulk collection of all communications between, say, the United States and Europe.

The reason absurd scenarios such as this have been raised as ''unforeseen consequences'' is that opponents of this amendment do not want to address the consequences of not passing it, the consequences of the Government collecting all communications between the United States and Canada or Europe or South America, the consequences of millions of innocent Americans' communications being collected, the consequences of already inadequate minimization procedures being overwhelmed by the collection.

These are not even unforeseen consequences. The DNI testified that if this were physically possible, bulk collection would certainly be desirable. The DNI envisions a country where the Government, if it were technologically feasible, would listen in on every international phone call made by its citizens and read every international e-mail. That is a police state, not the United States of America.

This amendment will help put to rest another concern that has been expressed about this legislation. In August, after the enactment of the PAA, the DNI stated:

> Now, there is a sense that we are doing massive data mining. In fact, what we are doing is surgical. A telephone number is surgical. So if you know what the number is, you can select it out.

And the DNI then added:

> We have got a lot of territory to make up with people believing that we are doing things that we are not doing.

The best way to assure Americans that the Government is not doing massive data mining of their international communications is not to authorize the massive collection of their international communications. The DNI cannot have it both ways. He cannot complain that people believe the Government is doing things it is not doing, and then oppose amendments to the law that would prohibit the Government from doing those very same things, especially when he has also said that bulk collection would be ''desirable'' if it were physically possible.

Finally, my amendment would help resolve a serious constitutional question surrounding this bill. When Americans are on the line, the constitutionality of the surveillance depends in part on how it is conducted. Bulk collection of millions of Americans' communications of which the Government has no interest in the person on the other end of the line could very well be unreasonable under the fourth amendment. We can eliminate this particular constitutional problem with the adoption of this very modest amendment.

I challenge anyone who opposes this amendment to stand up on this floor and explain to the American people why the Government should have the authority to engage in bulk collection of their private communications. Let's tell the American people the truth for once. Do not rely on hypothetical, unintended consequences that are easily answered. Explain why this very modest protection of the privacy of our citizens cannot be granted.

I believe this amendment brings this bill into line with its actual intent. It gives Congress a say in how far these vast new authorities will be taken, and it protects the civil liberties of Americans.

I urge my colleagues to support it.

I yield the floor and I reserve the remainder of my time.

The PRESIDING OFFICER (Mr. SALAZAR.) The Senator from Missouri.

Mr. BOND. Mr. President, I am sorry I was not here for all of my colleague's descriptions of his two amendments. But let me make one thing clear. What he is laying out is a scenario that does not exist. He is raising all kinds of concerns that are dealt with in the underlying bill. They are dealt with by the Constitution of the United States. They were dealt with by the Protect America Act.

I can assure the American public that we are not collecting all of the communications they send overseas and reading them and listening to them and using them in some way that violates the fourth amendment or the provisions of these two measures.

Before we actually have a vote on these measures, we will talk about them more in detail. I think he raised the reverse targeting amendment first. Let me be clear and explain that you cannot target a person inside the United States without a court order. All acquisitions must comply with the fourth amendment.

Last week we agreed to an amendment offered by Senator KENNEDY which ensures that the authorities in this bill will not be used to acquire communications where the sender and all intended recipients are known to be in the United States. That has to be with a FISA Court order if you are targeting somebody in the United States. This is an explicit, bright-line prohibition against reverse targeting in the current bill. If one would look at page 6 of the statute, section 703(b)(2), I will read it for you. It says:

> An acquisition authorized under subsection (a) may not intentionally target a person reasonably believed to be located outside the United States if the purpose of such acquisition is to target a particular known person reasonably believed to be in the United States except in accordance with title I or title III.

It does not get much clearer than that. So if the purpose in targeting someone outside the United States is actually to target a person inside the United States, you cannot use the authorities under this bill. It is clear. That is what the DNI stated his purpose was; that is what the bill provides. You have to get a FISA Court order if you are targeting somebody. You cannot do it by the back door.

Now, I heard yesterday some far-out explanations that a family whose child goes overseas to go to school, we would be listening in on those conversations. That is absolutely nonsense. If that is a United States person, we could not even target that United States person abroad, and we certainly do not target someone in the United States without a court order. We have provisions to assure that the United States person who goes overseas cannot be targeted without an application to the FISA Court. Quite simply put, that does not happen.

Now, if somebody is calling a suspected terrorist overseas, one on whom we have initiated collection because of intelligence sources certified by the Attorney General and the Director of National Intelligence, this person has significant terrorist information, significant intelligence information, foreign intelligence information, if one were to call that number, then it is possible, it is likely, and we would expect that they would find out what is in that call.

If it is an innocent call, if it has nothing to do with terrorist activity, it is immediately suppressed; ''minimized'' is the term. They do not even record the name of the United States person.

But when calls come from outside the United States into the United States from a person, a known terrorist abroad, or when they initiate the call, someone from the United States does, then what we must do is find out if they are talking about planned terrorist activity in the United States. That is the most important collection we can make. We have lots of important information targeting foreign terrorists, suspected terrorists, foreign intelligence targets overseas that is useful to our allies in protecting their countries. There are lots of instances where we have done that or when they

are—and that does not require minimization, and it should not. But the information that is used is only that information which applies to a direct threat, a terrorist threat, or other significant foreign intelligence value. If a United States person is involved in that, if there is an involvement of the terror plot in the United States or elsewhere, then that information would be accepted, and if it is necessary to collect further against that American citizen or United States person, then they have to go through the normal procedure. Probably the FBI would get their normal search warrant and go after that person and determine what role, if any, he or she has in carrying out terrorist activity. So in addition to the bright-line test, there is clear oversight authority. There is oversight exercised by the supervisors at NSA, by the inspector general, by the Department of Justice, whose lawyers oversee it, and by our Intelligence Committee to make sure that the prohibitions on reverse targeting are being observed.

If this proposal were to be accepted, the uncertainty, the operational uncertainty of determining what a purpose is in reverse targeting would make this an impossible situation for an analyst to observe and to make that determination. There is a clear prohibition against reverse targeting.

The other amendment which he brought up, 3912, is on bulk collection. The bipartisan Intelligence bill contains numerous provisions to ensure that acquisitions targeting foreign terrorists overseas—that is foreign terrorists overseas—comply with the fourth amendment and follow court-approved targeting. It gives clear protection, as I said earlier, against reverse targeting.

The amendment that has been proposed under 3912 has some very negative consequences for protecting our troops abroad. This amendment, for example, would prevent the intelligence community from targeting a particular group of buildings or geographic area where, for example, terrorist activity is known to be occurring, and preventing them from collecting signals intelligence prior to operations by our Armed Forces.

If there is an area which has significant terrorist activity, to say we cannot collect all of the communications coming out of that area to identify who the terrorists might be, whether there are innocent persons involved before our military goes in, does not make any sense, because if we send our military in, they are going in and probably going to be using significant lethal force. Had this bulk collection provision been in place, it would have prevented our troops from conducting surveillance in Fallujah, for example, prior to their military operations.

The details on this are classified. We can provide more information in a secure setting. But this amendment, according to the Director of National Intelligence and the Attorney General, ''could have serious consequences on our ability to collect necessary foreign intelligence information, including information vital to conducting military operations abroad and protecting the lives of our servicemembers, and it is unacceptable.'' I agree with them because I have had the opportunity to learn how the system operates. My colleague from Wisconsin has. I believe it is very clear from the information we have received and the knowledge we have about it that the evils which he purports to address are evils that do not exist. I strongly urge my colleagues to oppose both amendments.

I reserve my time.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. It is sort of odd that we are debating these two amendments together. But there is one advantage. Under our system of government, the way we make sure that abuses don't occur is by passing laws to make it absolutely clear that abuses aren't occurring and can't occur. We are supposed to accept the say-so of one Senator who says we are not doing these things. We are not conducting bulk collection. We are not doing reverse targeting so don't worry. Yet he resists two amendments that simply make it clear you can't do these things. What is the objection on the merits to these two amendments? They would apply to an administration that initiated an illegal wiretapping program in disregard of the statutes. We have reason to believe that maybe they would do things we don't know about and don't like and don't think are legal, but we are supposed to simply take the word of one Senator instead of passing a law to clearly protect the American people.

With regard to reverse targeting, the Senator asserts that somehow having a provision that says ''the'' purpose would have to be targeting an American before a court order is required is going to protect us. But that doesn't protect us. That language would mean that any incidental reason for targeting a foreign person when the government wants to listen to the American would be a sufficient basis for ongoing warrantless surveillance of the American. In fact, the Senator from Georgia has indicated that what this means is that the sole purpose of the collection would have to be to obtain information on the American before a court order is required. If that is true, then it would be very easy for the government to bootstrap any incidental interest in a foreign target so that they can listen in on an American.

The DNI has said that reverse targeting is unconstitutional. What is the legitimate objection to making it absolutely clear that this can't be done in this statute? There is no substantive objection. The same thing goes for bulk collection. Again, one Senator assures the American people that the government is not doing bulk collection. That might be right. We may not be doing it now. But the DNI has said it would be desirable. He would love to do it. Yet the Senator will not permit a simple amendment that says that something that the DNI has also said is not actually needed but would raise serious constitutional problems, should be prohibited.

This is an amazing moment. Instead of legislating, we are supposed to trust. With regard to all of our international communication, we are supposed to simply trust one Senator's assurance that there is nothing to worry about. I suggest the American people deserve better than that.

To show the complete lack of content to these arguments, I addressed what the Senator, who was not out here at the time, has called the Fallujah example. He keeps saying that under this provision, you couldn't get information about what was going on in Fallujah when we were attacking al-Qaida and others there. That is absolutely false. I laid it out. As long as the Government says there is a foreign intelligence information purpose, of course they can do it. If there is a terrorist hotbed, they can do it. They just have to assert that. This argument that somehow this would interfere with that collection flies directly in the face of the bill and the amendment. There is no truth to that argument at all. The amendment is absolutely clear in cases of conflict, where the government merely needs to assert that it has a foreign intelligence purpose for conducting surveillance in that area. In that situation, the purpose is clear.

Because of the floor situation, the arguments related to these two amendments have merged, but it sort of works in a way because both of them are such straightforward, simple protections that a majority of the Judiciary Committee agreed had to be included in this bill to protect the rights of the American people.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, there are quite a few things I disagree with that my colleague from Wisconsin has brought up. No. 1, he said the administration instituted an illegal wiretapping program. That is not true. That is wrong. I reviewed the documents on which they based it—article II, and the authorization for use of military force. That was not an illegal effort. But that is a debate for another time. The administration did advise the leaders of Congress what they were going to do. The big eight were advised, and they did not deem any legislation advisable at the time.

Secondly, he gives me too much credit in saying it is only the word of one Senator that his amendments are unworkable and unnecessary. This was brought up and debated in the Intelligence Committee. We spend our time overseeing intelligence collection. It was not adopted there. It was withdrawn.

If my colleague has any evidence that there are any violations in reverse

targeting or bulk collection of the fourth amendment of the Constitution or other violation of privacy rights, then I suggest he bring them up in our Intelligence Committee in closed session where we can debate all the activities that are going on. I assume he has been out to NSA to see how it operates. He has been in and had the opportunity to question leaders of the intelligence community. He says there is a total lack of substance. I have to say there is a total lack of substance to the allegations he makes. There are legitimate concerns which we address in this bill by specifically prohibiting reverse targeting. It is specifically prohibited in this bill. I have to say the people who run the program are the ones who have told us the additional bells and whistles he wants to put on for no reason or even reasonable prospect of violations would make it impossible to carry out the business of collection on foreign terrorists with potential activities in the United States.

Again, there will be others who will discuss this. But it is not the word of one Senator. It is the word of a majority of the Intelligence Committee, and it is the word of the intelligence community itself, backed up by the Attorney General, that this is unwise, unnecessary, that these amendments would significantly hamper the ability of the intelligence community to conduct its operations.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Briefly, Mr. President, it is important to put in the RECORD that the Judiciary Committee, after carefully considering this not just in the context of intelligence—and I do serve on the Intelligence Committee as well—but in the context of the relationship between intelligence and civil liberties, came to the opposite conclusion on both reverse targeting and bulk collection and voted by a majority to adopt the very sort of amendments I am proposing. With regard to the vice chairman's assertion that I had not put forward any concerns about the impact of these authorities on the civil liberties of Americans, I, in fact, sent a classified letter to the DNI in December expressing serious concerns about the implementation of the Protect America Act and its effect on the rights of Americans. I can't discuss classified specifics here. But the fact is, these aren't merely theoretical concerns.

One final point: The thrust of our concern about reverse targeting and bulk collection doesn't have to do necessarily with what has already occurred but what could occur, what abuses could occur if we do not clarify in the law that they should not be done. This is especially important in light of the fact that, as I have indicated, the Director of National Intelligence has said it would be desirable to do this bulk collection. If the DNI says that, wouldn't that be a reason to be a little concerned and to make sure it is clearly prohibited?

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Connecticut.

AMENDMENT NO. 3907

Mr. DODD. Mr. President, I want to inquire as to how we are to proceed. I was asked to offer my amendment on behalf of myself and Senator FEINGOLD regarding striking the language dealing with immunity in the bill. I don't want to interrupt the debate. I don't know how we ought to proceed. Is this debate concluded? I will check with the author.

Mr. President, I ask unanimous consent to set aside the pending amendment so I may offer the Dodd-Feingold amendment dealing with retroactive immunity.

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

Mr. DODD. Let me inform my colleagues that what I intend to do is not to speak at length. I know under the previous time agreement, there are 2 hours allocated to this amendment. My intention this evening is to use probably 10 or 15 minutes of debate on this amendment. I see my colleague from Washington. I don't know if she has an intention to address the Senate on this matter or something else. I am going to take 10 or 15 minutes to talk about the amendment and then reserve the remainder of my time for tomorrow. There are other Members who would like to be heard on this amendment. I don't want to consume too much of the time to deny others the opportunity to be heard. I presume my colleague from Wisconsin tomorrow may want some time. I will take a brief amount of time this evening and then reserve the balance until later. Then my colleague from Washington can certainly be heard or anyone else for that matter.

I send to the desk an amendment offered by myself and Senator FEINGOLD, and Senators LEAHY, KENNEDY, HARKIN, WYDEN, SANDERS, OBAMA, BIDEN, and CLINTON and ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Connecticut [Mr. DODD], for himself, Mr. FEINGOLD, Mr. LEAHY, Mr. KENNEDY, Mr. HARKIN, Mr. WYDEN, Mr. SANDERS, Mr. OBAMA, Mr. BIDEN, and Mrs. CLINTON, proposes an amendment numbered 3907.

Mr. DODD. I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To strike the provisions providing immunity from civil liability to electronic communication service providers for certain assistance provided to the Government)

Strike title II.

Mr. DODD. Mr. President, this amendment we have talked about at length over the last number of weeks going back into December. This is a striking amendment to strike the language in the bill out of the Intelligence Committee that would provide for retroactive immunity to the telecom industry. It has been debated at length. This amendment strikes that language in the bill, conforms it to what has been adopted by the other body in its legislation dealing with the Foreign Intelligence Surveillance Act suggestions and recommendations, and conforms it to what has been included in the Senate Judiciary Committee bill. So while there have been three different committees that have reported their suggestions to the Congress on this issue, the committees in the House of Representatives and one committee here have reached different conclusions than that of the Intelligence Committee, where they have recommended that retroactive immunity be granted to the telecom industry for having kept over the last 5 years sort of a vacuum-cleaner approach to telephone conversations, faxes, e-mails that have been engaged in by Americans across the board.

This goes back immediately to after 9/11. As I said, had this been a temporary deviation from the norm, particularly in the wake of 9/11, I would not be standing here asking that retroactive immunity not be granted. But this program went on for 5 years. It only came to an end because of a revelation by whistleblowers and others that the program stop. This was 5 years of collecting data and information on U.S. citizens without a court order.

The FISA Court was established back in 1978 specifically to provide for warrants and court orders when such information was being solicited and needed to provide for the security of our country. I think these amendments that we need to update the FISA legislation are critically important, and I certainly want to see them adopted. But I believe it is going way beyond the pale in the midst of all this to extend retroactive immunity back to a group of companies that decided this was an appropriate request and they were going to comply with it. I would point out to my colleagues that not all companies did. If every single company complied with this, you might make the case that there was something going on that required, or certainly warranted, their decision to agree to this invasion of privacy without a court order. There were companies that said: No, we will not comply with that request absent a court order. That court order was never forthcoming and those companies did not engage, to the best of our knowledge, in the collection of this data and information.

Now I am not drawing the conclusion—but I have my opinions about this—as to whether what the companies did was legal or illegal. That is not a matter for 51 of us here by a majority vote to decide. That is a matter for which the courts exist in this country. It is not a matter for the executive branch to decide. It is why we have three coequal branches of Government.

When matters such as this arise, raising the legality of certain actions, then that matter ought to be appropriately decided by that third coequal branch of Government, as the Framers intended, in exactly these kinds of cases; that is, the matter to determine whether those who are suggesting that these telephone companies did exactly what they should have done under the circumstances. There are many here and elsewhere who believe otherwise, and while short of reaching a determination as to legality, believe that the courts ought to make that determination.

There are some 40 cases now pending before the courts on this very matter. If we take the action adopted by the Intelligence Committee, we will never, ever know whether these actions were legal, whether the privacy of millions and millions of Americans were invaded. Once we have set the precedent of allowing this retroactive immunity to go forward, why not then in other areas outside of the case of telecommunications? What about medical records? What about financial records? The Congress will have voted that it is all right to grant retroactive immunity. The next time an American President asks these companies or other companies to engage in similar activities, why not use the precedent established by the telecommunications industry to comply with that request absent a court order?

These are critical moments involving the rule of law—the rule of law—not the whim of a President, any President. Given the pattern of behavior of this administration over the last 6 or 7 years, in example after example where there has been a disregard, in my view, of the rule of law and the Constitution of the United States, what more does this body need to understand in this matter than to once again grant this administration a pass and in effect say to those companies: It doesn't make any difference. We don't know whether what you did was legal, but you get a pass on this right now. I think nothing could be more dangerous than to allow that precedent to go forward without us insisting that the courts be allowed to exercise their judgment in these matters.

There are arguments that have been raised on why we shouldn't let this happen. One: It might hurt these companies financially. That argument is so offensive I hesitate to make it even on behalf of those who would argue it. The idea that some financial injury is far more important than the rule of law ought to be offensive to every American, whether you agree or disagree with whether these companies did the right thing, or somehow that these companies had no idea what they were doing; they went along with this because an American President asked for it.

I would point out that in 1978, during the drafting of the FISA legislation, many of these companies were directly involved in the drafting of that legislation. They knew exactly what the law is in this area. I would further point out that it has been reported to the press that there have been more than 18,000 requests of FISA Courts over the last 30 years when it has come to these kinds of inquiries. In all but 5 cases, out of the more than 18,000 requests, the FISA Courts have complied with executive branch requests for warrants to invade or to engage in surveillance activities. Only in 5 cases were they rejected, out of more than 18,000 requests. That is better than 99.9 percent of the cases. Why not in this one? Why were the courts not solicited to provide the kind of approval for the court orders that would have allowed for this surveillance to go forward? It is not a minor point. It is a huge point.

I would further point out that the administration, of course, originally requested that immunity be granted not only to the telecommunications industry but everyone involved in this matter. Thanks to the wisdom of Senator ROCKEFELLER and Senator BOND, that broad request was rejected, and I thank them for it. But it is important that our colleagues understand that that is what they wanted to do; They wanted total immunity for everyone involved in this 5-year plan. But the committee wisely rejected that request and narrowed the immunity only to the telecommunications industry. But nonetheless, I think all of us understand the net effect. If we grant retroactive immunity as requested by this legislation, then we will never get to the bottom of what occurred here, and once again, opening the door to possible future violations.

It is being suggested by some: Well, this is just a bunch of Democrats going after a Republican administration. I will tell my colleagues that if this were a Democratic administration, I would be standing here with as much passion as I am today. This is not about Republicans or Democrats, liberals or conservatives; it is about the rule of law. It is about the Constitution of the United States. All of us here, regardless of political ideology or what party we affiliate with, this is a matter that transcends all of that. We ought to—as we have sworn to do when we raised our right hand in the well of this body, as each one of us has here as Members of this institution—protect and defend the Constitution of the United States. Nothing less than that is being asked of us when we vote on this matter: to strike this provision and allow the courts to do their work; to determine whether, as those who are advocating for retroactive immunity assert, that this was an appropriate and proper response by these companies, or to draw the different conclusion that it was not and that it was inappropriate, illegal, and improper for them to do what they have done; and that all other bodies in this country, private or otherwise, need to understand when this administration or any administration makes a similar request in the future, the Congress has spoken on this matter, so that they do so only when they receive those kinds of court orders and then provide that kind of immunity which, in every single case in the past, they have when the court order has been approved by the FISA Courts. That is the sum and substance of this debate.

There are various other arguments for immunity, including the argument that somehow you can't protect private information. As one Federal judge has already pointed out—I might point out a Republican appointee to the bench—what are we all hiding from? We all know this went on. This is not some secret. We all know that for 5 years or more, this information was being vacuumed up. That is no longer a secret. What is potentially a secret is how this was done—methods and means—and I appreciate those who want to make sure that we don't allow for the revelation of that kind of information. But there are ample examples of how the Federal courts have handled these matters in the past, acting in a way that protects this kind of information. The suggestion that this is too dangerous to allow these matters to go forward I don't think is a valid argument, particularly when you are going to sweep across retroactive immunity. There are plenty of examples. In fact, I would note that the Presiding Officer—I don't know this, but I presume in his previous life as an attorney general—faced matters in his own State where certain private information had to be kept private and secret and there were matters before the courts before which he operated where that was exactly the case. I have listened to other attorneys general cite examples where there was privacy and other information that did not belong in the public domain and was protected. So the argument that somehow we can't run the risk of allowing the Federal courts to handle these matters given the revelation of information that otherwise shouldn't be in the public domain—I don't buy that argument either. But those are the arguments for having retroactive immunity on this legislation.

I have spoken at great length about this in the past and I appreciate the indulgence of the chairman and others to listen to me over and over again on this subject matter. But this is a matter I care deeply about and I know others do too. This is not a Democrat standing up here trying to cause trouble for a Republican administration. That is an offensive argument. I think we know each other well enough to respect and understand that these are serious debates and serious arguments. The tension that has existed for the life of our great Republic is this debate today, how do we protect the rights and liberties of our American citizens and simultaneously protect our people from those who would do us great harm and injury. It is not an easy debate; I understand that. But it is one that is as old as our Republic, to make sure

that we maintain those rights and liberties while simultaneously fulfilling that obligation to protect our citizens from those who would do us great harm. I believe the tension is such that I don't believe we want to give up these rights, these important systems we put in place. In fact, the very FISA Courts as they exist were designed to specifically address that balance more than 30 years ago, and I believe on some 30 different occasions over the years we have amended the FISA legislation to allow us to stay current with technologies that could be used against us as well as allowing those technologies that allow us greater opportunity to learn about those who would do us harm. So over the years we have made those recommendations. Almost unanimously—and I believe I am correct in that assessment—previous Congresses have adopted those recommendations and suggestions. To suggest, as was done here, that because of Senator FEINGOLD's amendments dealing with reverse targeting and bulk collections, that somehow we are violating that history, I think is wrong. I think those suggestions are worthwhile and warranted, and it can improve not only what we are doing technologically in this bill, but also fulfilling the second part of that obligation, and that is to protect the rights of our citizenry.

It is truly a false dichotomy to suggest that we can only become more secure by giving up rights. I think that is a very dangerous argument to make. Too many in this country are subscribing to it today. That is exactly the opposite of what the case ought to be: that we become more secure when we insist upon those rights and liberties. That has been the history of our great country. In every single example I can think of when we have allowed our rights to be shortchanged to the argument of security, we look back historically and regret those moments. When we think about the internment of Japanese Americans during World War II and other examples, I think all of us look back and regret those moments, if we did anything but give our country more security. We have had great moments when we stood up for the rights and liberties of our fellow citizens in the face of arguments that our security was in jeopardy if we didn't somehow tailor those rights and liberties to give us additional security. I think that is the same argument today. I think we will be a proud body by rejecting this piece of the bill before us, allowing the courts to do their job as the Framers intended them to do, to determine the legality of the actions taken by these companies at the request of this administration, to allow them to make that decision, not by some vote in this body that would allow these matters to be swept aside for all of history without ever knowing whether we did great damage to the rights and liberties of our fellow citizens.

I will make additional arguments here tomorrow, but I want to reserve time because here we are on Super Tuesday and a lot of people are not here who want to engage in this debate. So I will reserve the remainder of my time so that others can be heard on this matter when it comes up either tomorrow or whenever the matter comes back to the floor. But I appreciate the managers of this legislation giving me a few minutes to make my case on this issue. I have said so many times before, and I will say again, JAY ROCKEFELLER and KIT BOND are very good friends of mine. I have great admiration for these men. We have served a long time together here. They don't have an easy job. This is a very difficult committee to have to work on, given the difficult matters they are faced with. I am sure they understand that my objections are not about our friendship or my respect for the work they do, but about a fundamental disagreement. I admire what they are trying to do, I respect the job they have been asked to do, and I thank them for it.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. BOND. Mr. President, I thank my good friend from Connecticut for the kind words. We are delighted to have him back, although some would wish that he were otherwise occupied tonight. But we welcome him back and welcome him to the debate. I express my appreciation for the kind words he said about me in Iowa. It didn't do much good in Iowa, but I always appreciate them.

On this debate, however, I respectfully say that my good friend, with whom I have worked on many measures and intend to work with on many more, is dead wrong. He is correct that the FISA law was passed in 1978, but the problem is it has been superseded by technological changes. The technology of transmission of signals changed significantly. He probably was not here when I mentioned it earlier, but when the terrorists struck on 9/11, there was a question of how we could prevent further attacks that were planned and some of them were under way. The appropriate intelligence community officials recommended electronic surveillance and noted that since the laws had not changed, but technology had changed, it was quite likely that FISA, as it existed from 1978, even with minor tweaks, would not accommodate the collection that was needed. The intelligence community leaders and the administration leaders addressed this with the Gang of 8, the leaders of both parties, both Houses, and both sides of leadership on the Intelligence Committees, and they concluded that there was not time to change the law, so the President went ahead, using his article II powers as enhanced by the authorization for the use of military force. The President issued orders and, for the most part, the Attorney General signed off on it when he was available. The Director of National Intelligence issued them, and companies, understanding the urgency of providing collection against foreign terrorists—this was directed against foreign terrorists calling into the United States—complied.

Now, the fact that one or two may not have complied speaks no praise for those companies, because if they failed to comply with what I have reviewed and believe to be valid orders of the Federal Government, and as a result, communications that might have tipped off an imminent attack on the United States of America were missed, then it would be a great shame for those companies.

Now, I cannot speak for the other body. I do say that the Judiciary Committee, which has broad jurisdiction over many important things—and I respect the leadership of that Committee—doesn't spend the time that we in the Intelligence Committee do on intelligence matters—going out to NSA, having people come before us, being briefed, going through laboriously technical operations that allow these searches and surveillance, and going through and listening and observing the means of assuring that these functions are carried out in compliance not only with constitutional directions but the regulations and the statutes of the United States is very important. We have seen the oversight. There is the supervisor and the inspector general who act as an independent check; the Department of Justice lawyers who come and review it from their standpoint; but also the Intelligence Committees in both Houses, which have not only the right but the responsibility to oversee this.

Based on that, our committee determined and reported out a measure saying it was absolutely essential for the continued security of this country to eliminate lawsuits that had been filed against a number of carriers alleging that they may have participated in this activity.

Now, why is that a problem? Well, today, we had open hearings involving the DNI, the Director of the FBI, the Director of the CIA, the Director of the Defense Intelligence Agency, and the Deputy Secretary of State for the INR Division. We asked all of them why it was essential that they provide retroactive liability protection.

The first and most important concern raised was that allowing these lawsuits to continue against the company—my colleague from Connecticut is right. We permit cases to go forward against the Government or Government officials. We are just protecting private companies. It is the pleadings, the discovery, and the testimony that would inevitably tell us, and the terrorists, much more about the operations of the program than the terrorists ought to know. In May of 2006, after the disclosures of this terrorist surveillance, GEN Mike Hayden came before our committee for confirmation. I asked him: What impact has the disclosure of our terrorist surveillance

program had on the collection of intelligence from foreign terrorists and suspected terrorists? He smiled and said, ruefully: We are applying the Darwinian theory to terrorists. We are only collecting the dumb ones.

I can assure you the people we want to listen in to are the very clever, very witty, very diabolical, murderous heads of al-Qaida and other terrorist organizations who want to do great bodily harm to the United States. They think, what we can do to tell them more about it, which would tell them how to evade even the means of collection that we have left available, that would leave our intelligence community deaf and blind to threats not only to this country, which is most important to all of us but to our allies and our troops overseas.

All the heads of the intelligence agencies I mentioned said one of the most important things we can do is provide this retroactive liability protection because, without it, then the private carriers—the telecom companies—will no longer participate voluntarily to requests from Government entities. We have many areas where the telecommunications companies work with the Federal Government—whether it is tracking a missing child, tracking down a sex offender or, on another level, breaking up a drug cartel or, on another level, protecting against cyber attacks from other countries. If litigation is allowed to proceed against these companies, not only will it likely describe in detail the means that our intelligence community uses to collect information, it will put the companies in such dire straits in terms of business reputation here and abroad that it will be a very serious blow to the shareholders, to the pension funds that own the companies, and it will lead the counsel for those companies to say: never participate with the Federal Government again.

This could be a disaster for effective collection. I believe it was the consensus of those present at our hearing today—the Director of the FBI, the Director of CIA, the general in charge of the Defense Intelligence Agency, Under Secretary in charge of INR, and Admiral McConnell, the DNI—that retroactive liability protection for any carriers that may have participated, as well as carriers that are getting sued that didn't participate, that cannot exercise the state secrets to protect them, it will ensure that we don't get protection, don't get the cooperation from these telecommunications carriers when we need it.

We have worked hard on this measure. After reviewing all the information available to us, including opinions and authorizations that we reviewed in the executive office, the committee determined, on a strong bipartisan basis, that the providers acted in good faith pursuant to representations from the highest level of the Government, that the TSP was lawful.

We worked hard to fashion a limited liability protection provision that serves the dual purpose of ending the litigation against the providers while allowing the cases against the Government to continue. Go ahead and attack the Government. There is no shortage of that in this body. I have heard it previously earlier today. That is part of our role on a partisan basis. We exchange criticism of the other party and particularly the administration when it is of the other party. We can make our best arguments. But we need to stop investigations, for example, by State public utility commissions of the providers' conduct under the TSP.

These investigations involve very sensitive, classified information that no public service commission or public utility commission is competent to handle, maintaining the secrecy, the confidentiality we need of our collection methods. We know this program has inflicted no harm on our citizenry and has protected us from harm.

I invite my colleagues, once again, to go to the fourth floor confidential classified hearing room or come to the Intelligence Committee's offices in Hart, if they want to see, from the Director of National Intelligence, a list of things that have been accomplished under the Protect America Act because collecting this electronic information is vitally important. It is right up there with interviewing detainees—high-value detainees—in providing us our most valuable information. To strike this provision of retroactive liability protection from the bill would significantly lessen our ability to collect intelligence and will make our country much less safe.

I ask that my colleagues vote against it. I will shortly yield time to my colleague and the chairman of the committee. At this point, I ask unanimous consent that the pending amendment be temporarily set aside.

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

AMENDMENTS NOS. 3938 AND 3941, AS MODIFIED

Mr. BOND. Mr. President, I call up amendments numbers 3938 and 3941 and ask unanimous consent that they both be modified with the changes at the desk.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from Missouri [Mr. BOND] proposes amendments numbered 3938 and 3941, en bloc.

Mr. BOND. I ask unanimous consent that reading of the amendments be dispensed with.

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

The amendments are as follows:

AMENDMENT NO. 3938, AS MODIFIED, TO AMENDMENT NO. 3911

On page 70, strike line 1 and insert the following:

SEC. 110. WEAPONS OF MASS DESTRUCTION.

(a) DEFINITIONS.—

(1) FOREIGN POWER.—Subsection (a)(4) of section 101 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801(a)(4)) is amended by inserting '', the international proliferation of weapons of mass destruction,'' after ''international terrorism''.

(2) AGENT OF A FOREIGN POWER.—Subsection (b)(1) of such section 101 is amended—

(A) in subparagraph (B), by striking ''or'' at the end

(B) in subparagraph (C), by striking ''or'' at the end; and

(C) by adding at the end the following new subparagraphs:

''(D) engages in the international proliferation of weapons of mass destruction, or activities in preparation therefor; or

''(E) engages in the international proliferation of weapons of mass destruction, or activities in preparation therefor, for or on behalf of a foreign power; or''.

(3) FOREIGN INTELLIGENCE INFORMATION.—Subsection (e)(1)(B) of such section 101 is amended by striking ''sabotage or international terrorism'' and inserting ''sabotage, international terrorism, or the international proliferation of weapons of mass destruction''.

(4) WEAPON OF MASS DESTRUCTION.—Such section 101 is amended by inserting after subsection (o) the following:

''(p) 'Weapon of mass destruction' means—

''(1) any destructive device described in section 921(a)(4)(A) of title 18, United States Code, that is intended or has the capability to cause death or serious bodily injury to a significant number of people;

''(2) any weapon that is designed or intended to cause death or serious bodily injury through the release, dissemination, or impact of toxic or poisonous chemicals or their precursors;

''(3) any weapon involving a biological agent, toxin, or vector (as such terms are defined in section 178 of title 18, United States Code); or

''(4) any weapon that is designed to release radiation or radioactivity at a level dangerous to human life.''.

(b) USE OF INFORMATION.—

(1) IN GENERAL.—Section 106(k)(1)(B) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1806(k)(1)(B)) is amended by striking ''sabotage or international terrorism'' and inserting ''sabotage, international terrorism, or the international proliferation of weapons of mass destruction''.

(2) PHYSICAL SEARCHES.—Section 305(k)(1)(B) of such Act (50 U.S.C. 1825(k)(1)(B)) is amended by striking ''sabotage or international terrorism'' and inserting ''sabotage, international terrorism, or the international proliferation of weapons of mass destruction''.

(c) TECHNICAL AND CONFORMING AMENDMENT.—Section 301(1) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1821(1)) is amended by inserting '' 'weapon of mass destruction','' after '' 'person',''.

SEC. 111. TECHNICAL AND CONFORMING AMENDMENTS.

On page 84, line 12, strike ''and 109'' and insert ''109, and 110''.

On page 87, line 12, strike ''and 109'' and insert ''109, and 110''.

On page 87, line 21, strike ''and 109'' and insert ''109, and 110''.

On page 88, line 10, strike ''and 109'' and insert ''109, and 110''.

AMENDMENT NO. 3941, AS MODIFIED, TO AMENDMENT NO. 3911

On page 13, strike lines 3 through 13, and insert the following:

''(C) STANDARDS FOR REVIEW.—A judge considering a petition to modify or set aside a directive may grant such petition only if the judge finds that the directive does not meet the requirements of this section, or is otherwise unlawful.

''(D) PROCEDURES FOR INITIAL REVIEW.—A judge shall conduct an initial review not later than 5 days after being assigned a petition described in subparagraph (C). If the judge determines that the petition consists of claims, defenses, or other legal contentions that are not warranted by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law or for establishing new law, the judge shall immediately deny the petition and affirm the directive or any part of the directive that is the subject of the petition and order the recipient to comply with the directive or any part of it. Upon making such a determination or promptly thereafter, the judge shall provide a written statement for the record of the reasons for a determination under this subparagraph.

''(E) PROCEDURES FOR PLENARY REVIEW.—If a judge determines that a petition described in subparagraph (C) requires plenary review, the judge shall affirm, modify, or set aside the directive that is the subject of that petition not later than 30 days after being assigned the petition, unless the judge, by order for reasons stated, extends that time as necessary to comport with the due process clause of the fifth amendment to the Constitution of the United States. Unless the judge sets aside the directive, the judge shall immediately affirm or affirm with modifications the directive, and order the recipient to comply with the directive in its entirety or as modified. The judge shall provide a written statement for the records of the reasons for a determination under this subparagraph.

On page 13, line 14, strike ''(D)'' and insert ''(F)''.

On page 13, line 17, strike ''(E)'' and insert ''(G)''.

On page 14, strike lines 10 through 19, and insert the following:

''(C) STANDARDS FOR REVIEW.—A judge considering a petition filed under subparagraph (A) shall issue an order requiring the electronic communication service provider to comply with the directive or any part of it, as issued or as modified, if the judge finds that the directive meets the requirements of this section, and is otherwise lawful.

''(D) PROCEDURES FOR REVIEW.—The judge shall render a determination not later than 30 days after being assigned a petition filed under subparagraph (A), unless the judge, by order for reasons stated, extends that time if necessary to comport with the due process clause of the fifth amendment to the Constitution of the United States. The judge shall provide a written statement for the record of the reasons for a determination under this paragraph.

On page 14, line 20, strike ''(D)'' and insert ''(E)''.

On page 14, line 24, strike ''(E)'' and insert ''(F)''.

Mr. ROCKEFELLER. If the Senator will yield, it is very important for a particular person on this floor to be able to, within the next 15 minutes—and for a particular reason—say some things that are very important to her, not on either of our pending amendments, the two amendments you and I are about to offer. The Senator has already approached the Parliamentarian in this matter. I ask if the Senator from Missouri would be willing to allow the Senator from Washington to speak on a different subject for 15 minutes for a very good reason.

Mr. BOND. Mr. President, I have no intention of continuing this discussion.

These are amendments, I hope, will be accepted. Chairman ROCKEFELLER and I will describe them later. I ask that our time be reserved, and I defer to Members on the other side who may wish to go into morning business.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. ROCKEFELLER. Mr. President, understanding whatever it is that the Senator from Arizona decides he wants to do, there is a particular reason and a particular time constraint that the Senator from Washington has to speak now. That is why I asked that she be allowed to speak in morning business. She will make that request, and I hope there will be no objection to it.

Mr. KYL. Mr. President, I have no objection to that. But I would like to add that when the Senator from Washington has concluded her remarks, I be recognized for my remarks.

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

The Senator from Washington is recognized.

Ms. CANTWELL. Mr. President, I ask unanimous consent to speak as in morning business for up to 15 minutes and that the time not be counted against the debate on the FISA legislation.

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

STIMULUS PACKAGE

Ms. CANTWELL. Mr. President, I rise today to speak about clean energy production tax credits, investment tax credits, and the energy efficiency provisions in the pending stimulus package, which I think are critical to restoring economic growth in America and continuing what is a burgeoning industry that is helping us create jobs and economic stimulus across our country. We are talking about tax credits that are a proven stimulus and business investment. They give consumers, in this case, energy efficiency credits of up to $500 to make energy efficiency improvements to their homes, which could save homeowners as much as $800 per year in avoided energy costs. We are talking about $20 billion of stimulus and 116,000 jobs that could be impacted.

The bottom line is the renewable energy industry generated over $40 billion of revenue in 2006 and accounted for 450,000 direct and indirect jobs last year. So we know that clean energy is one of the fastest growing sectors of our economy. But by failing to act when we didn't pass these critical tax incentives last year, we caused turbulence in what is a very new and growing industry. And if the Senate rejects these incentives now, we could put this industry in a tailspin by not giving them predictability on their tax credits. That is why it is so important we pass the stimulus package tomorrow.

Let's talk about what we are hearing from some of those in the industry who know this sector very well. The Alliance to Save Energy, a group of business, government, and consumer leaders, committed to seeing this country take advantage of cost savings from efficiency have said:

Energy efficiency tax incentives put money into the economy by encouraging the purchase of energy efficient products and services.

This group has representatives of this body as part of that alliance. Their job is to advocate for policies to help this industry grow. What are we hearing from particular industries? I like this chart particularly because so many of my colleagues—I do it, and so many on the other side, and even the President of the United States speaks at these various clean energy industry plant sites and advocate and are excited about the jobs they create. But sometimes it stops there and after the ribbon cutting they fail to support the necessary policies. That is why recently a particular solar company CEO made this statement:

The Senate can ensure that we keep the economic engine moving forward and extend the solar tax credits as part of the economic stimulus bill.

That is directly from the solar industry that we politicians like to stand in front of and talk about jobs being created. Here is somebody who was the prop behind one of these events in the last week, and they are telling us to pass this tax credit in the stimulus package.

What are we hearing from a consortium of those in the industry? We are hearing from one consolidated report of the renewable industry that said:

Over 116,000 U.S. jobs, and nearly $19 billion—

This is just on solar, wind, and other renewable electricity sources—

nearly $19 billion in U.S. investment could be lost in one year if renewable energy tax credits are not renewed by Congress.

That report came out earlier this week.

The reason why people are so concerned about this is because what we have seen traditionally—and we can see on this chart that in 2000, 2002, and 2004 where we did not give predictability to this industry by saying we are going to continue the tax credit policy—what happened is a 93-percent drop in investment; in 2000. In 2002, a 73-percent drop in investment; and again in 2003, another 77-percent drop in investment.

Here is where this industry is now in 2007. It is a growing industry. As I said, in 2006, it was $40 billion in revenue and over 450,000 direct and indirect jobs. And we are about to kill this level of investment and put it into a tailspin by not continuing this tax policy.

In fact, that is exactly what this solar industry CEO, who had the pleasure of standing there with Governor Schwarzenegger and others, said. He said Federal tax credits for solar energy are about to expire. They are about to expire and it will send the solar industry into a tailspin.

It doesn't have to get any clearer than that: CEOs of companies that are the backdrop of great press events telling us we are about to send their industries into a tailspin. I suggest we instead pass these tax incentives and get

on with what could be certainty in tax policy.

What I like about wind is the fact that it is happening in lots of places across this country, but it is also giving farmers a second crop. Almost 200 members of the American Wind Energy Association have sent us a letter saying that ''companies in our industry are already reporting a decrease in investment as a result of the uncertainty surrounding tax policy.'' They are saying they are already seeing people starting to cancel projects.

We want to help our economy grow, and there is stimulus in these tax incentives, but I ask my colleagues to consider what is going to happen when they do not renew them. They are actually going to cause more damage to the economy because people are going to start canceling projects.

Let me explain. This same report by Navigant came out earlier this week and got very specific as to which States had significant investment by renewable companies and exactly what was going to happen both in the loss of opportunity for new jobs and in actually having jobs cut when there is not predictability.

Texas, one of the biggest investors from a wind production side, could lose a future opportunity and existing jobs of upwards of 23,000; Colorado, 10,000; Illinois, 8,000; Oregon, 7,000; Minnesota, 6,000 plus; Washington State, nearly 5,000 jobs are at stake. The list goes on to other States that have made incredible progress in renewable energies that are creating jobs, and all these jobs are at stake for the future and some of them represent jobs where people are getting a paycheck today. Instead, they will take our rebate check, if we pass the House bill, and they will receive a pink slip because their jobs are not going to be there anymore. That is why we have to pass this package.

In fact, I want to give examples of two specifics where people will actually lose jobs.

Noble Environmental Power is developing projects for wind in New York and Texas, and they plan to construct two parks in New York State and two in Texas. If the production tax credit is not extended, these projects will not be built which will eliminate 1,200 full-time construction jobs. That is 600 jobs in each State.

In addition, the company in its head count will be cut from 220 to 120 because they will also cut other jobs related to planning. In fact, if we do not give them this predictability this year, in 2008, $200 million in orders for equipment will be canceled. That is stimulus, $20 million that will not be made because they do not have certainty and they are going to cancel their plans for equipment.

Additionally, $18 million in engineering services are going to be canceled because they do not have predictability in this Tax Code.

Again, if the production tax credit is not extended, 600 full-time construction jobs will be eliminated in each State, New York and Texas.

Another example. Safeway, which is a major grocery store chain, is planning on retrofitting additional stores with solar panels. Why are they doing that? Because they know they can get offset rising energy costs out of those solar panels. They are looking at 15 additional stores with solar panels and injecting an additional $30 million into the economy if the solar investment credit is extended. If it is not extended, these jobs are going to be in jeopardy.

Here are companies trying to help us stimulate the economy, create jobs, lower energy costs, and I am sure that helps with the bottom line of food costs in America, and yet we are not giving them predictability.

We also saw in my home State of Washington a company, Wellons, a leader in wood-fired energy systems, say they are going to mothball up to 20 projects unless they get the production tax credit. That means that some of the 500 people in this particular company will be laid off.

I think the Arizona Republic said it best. In fact, they had an editorial this week that said:

> The economic stimulus package from Congress . . . should include an extension of tax credits for renewable energy sources. For Arizona—

And I think this is similar for many other States, but Arizona is a leader in this area—

> the continued development of our solar industry is at stake.

That is why we need these credits. We had today the Los Angeles Times say:

> Investors won't pump money into clean power if there is a danger of losing their tax incentives . . . green technology is an extremely promising growth industry that could help make up for the loss of manufacturing jobs.

That is another editorial from today.

We know this, and yet we somehow want to pretend that the elimination of these tax credits does not matter. I know it matters to Governors because we have heard from the Governors of Iowa, Illinois, Indiana, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, and Wisconsin:

> We know that uncertainty of the future of a wind production tax credit must be avoided if this burgeoning industry is going to thrive in the years ahead.

So we are hearing from our Governors who are on the ground wanting to approve these projects knowing how much they mean to their local economies, and yet we are ignoring that.

We also heard from a growing industry partner, the American Corn Growers Association. They said:

> If President Bush will agree with the inclusion of the production tax credit in the stimulus package, he will be adding numerous jobs to our economy.

Why is that? Because this industry sees that this is a good partner. It is actually helping them with additional revenue, and it is helping those Midwest economies continue to grow.

What about the National Farmers Union, another organization, which said:

> Encourage your support including important renewable energy tax incentives in the economic stimulus package currently being considered by Congress.

The Farmers Union obviously knows this means jobs in their local economy. But for them, it also means that instead of paying the high prices of natural gas and not having any product compete with it, that having renewable energy generate an additional 6,000 megawatts of power can actually get alternative sources of electricity in the market and lower the demand on natural gas and thereby lowering the price. That helps lower the cost of fertilizer. It is critically important.

This past week, we had 41 Senators sign a letter, including 14 of my colleagues on the other side of the aisle, who agree that:

> Extending these expiring clean energy tax credits will help ensure a stronger, more stable environment for new investments and ensure continued robust growth in a bright spot in an otherwise slowing economy.

I ask unanimous consent to have printed in the RECORD this letter of bipartisan support.

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

U.S. SENATE,
Washington, DC, January 25, 2008.

Hon. HARRY REID,
Senate Majority Leader,
Washington, DC.

Hon. MAX BAUCUS,
Chairman, Senate Committee on Finance, Washington, DC.

Hon. MITCH MCCONNELL,
Senate Republican Leader,
Washington, DC.

Hon. CHARLES GRASSLEY,
Ranking Member, Senate Committee on Finance, Washington, DC.

DEAR SENATORS REID, MCCONNELL, BAUCUS, AND GRASSLEY: We strongly support current bipartisan efforts to mitigate an economic downturn by providing direct financial relief to American families. At the same time, we believe that we must be cognizant that energy prices have been a leading cause of our current economic environment. Accordingly, we strongly believe that we must provide a timely long-term extension of clean energy and energy efficiency tax incentives that expire at the end of this year. Given record energy prices and growing demand, postponing action on these critical energy incentives will only exacerbate the problems afflicting our economy. In fact, these renewable energy and energy efficiency investments have a verifiable record of stimulating capital outlays and promoting job growth. We must ensure that this impressive record is maintained in 2008 and extend these tax credits expeditiously.

Over one hundred thousand Americans could be put to work in 2008 if clean energy production tax credits were extended in the first quarter of this year according to industry estimates. However, because the incentives are set to expire this year. renewable energy companies are already reporting a precipitous decrease in investment due to uncertainly. Projects currently underway

may soon he mothballed. Clean energy incentives for energy efficient buildings. appliances and other technologies, as well as additional funding for weatherizing homes. would similarly serve to stimulate 2008 economic consumption, lower residential energy costs, and generate new manufacturing and construction jobs.

Failing to act on these crucial incentives could choke off promising business investment in 2008 and miss an opportunity to address high energy costs. a critical contributor to sinking consumer confidence and our nation's long-term economic challenges. Extending these expiring clean energy tax credits will help ensure a stronger, more stable environment for new investments and ensure continued robust growth in a bright spot in an otherwise slowing economy. To that end we look forward to working with you to extend these critical tax incentives in context of encouraging economic growth and vitality.

Sincerely,

Maria Cantwell; Olympia Snowe; Ron Wyden; Gordon Smith; Amy Klobuchar; John F. Kerry; Ken Salazar; Debbie Stabenow; Elizabeth Dole; Bernard Sanders; John E. Sununu; Barbara Boxer; Wayne Allard; Robert Menendez; Susan M. Collins; Tim Johnson; Byron L. Dorgan; Sam Brownback; Russell Feingold; Arlen Specter; Barbara A. Mikulski; Evan Bayh; Barack Obama; Patty Murray; Hillary Rodham Clinton; Carl Levin; John Cornyn; Sherrod Brown; Chris Dodd; Dianne Feinstein; Lisa Murkowski; Norm Coleman; Chuck Schumer; Ted Stevens; Frank R. Lautenberg; Patrick Leahy; Herb Kohl; Daniel K. Akaka; Pat Roberts; Richard Burr; Ben Cardin.

Ms. CANTWELL. Mr. President, we also received letters from 13 different organizations that also support the inclusion of these provisions in the tax package.

This is truly an opportunity for us to continue to stimulate the economy in a key growth area, but my colleagues should not be fooled. This is probably the only opportunity to do extend these credits before they expire. We have had a dispute between the House and the White House and Members of the Senate about how to move forward on these tax credits. Some want them paid for while taking money from oil revenues. Others, such as the White House, don't want them paid for at all.

This is an opportunity for us if we are going to do $150 billion worth of investment in what we think is an economic opportunity to get one of the best returns on investment in this stimulus package; that is, to invest about $5 billion and see over $20 billion in new energy investment in this country.

I hope my colleagues will consider this tomorrow and consider how much we truly need these budding clean energy industries to grow and thrive in our home States. Anyone who supports this industry has to vote for the Senate Finance bill or we could very well miss a key opportunity to stimulate our economy.

I yield the floor.

The PRESIDING OFFICER (Mr. WHITEHOUSE). The Senator from Arizona.

Mr. KYL. Mr. President, I wish to speak to the amendment offered by the Senator from Connecticut to the FISA bill, the Foreign Intelligence Surveillance Act, the amendment that would strike provisions from the bill that provide liability protection to those telecommunications companies that were asked by our Government to assist us in a dire time of need.

I begin by asking unanimous consent to have printed in the RECORD at the conclusion of my remarks a letter to Senator REID, dated February 5, 2008, and signed by Attorney General Mukasey and Director of National Intelligence Admiral McConnell.

(See exhibit 1.)

Mr. KYL. Mr. President, next, I would like to quote a few passages from this letter that relate specifically to this issue of liability protection. They begin by noting:

Liability protection is the just result for companies who answered their Government's call for assistance. Further, it will ensure that the Government can continue to rely upon the assistance of the private sector that is so necessary to protect the Nation and enforce its laws.

The point of beginning with this reference is to note the fact that what happened was that the U.S. Government, in the aftermath of 9/11, went to certain kinds of telecommunications and asked for their assistance in tracking down foreign terrorists, in providing intelligence-gathering services to the U.S. Government. These companies did not have a legal obligation to provide that support, but they certainly, as good citizens of the United States, undertook to provide the support, some of them in that capacity. The question is whether, having done that in good faith, they should now be protected from private lawsuits that have been filed against them or whether, as is the historic tradition in such circumstances, they would be immune from such lawsuits for volunteering to help the Government.

Here is a little bit of what Attorney General Mukasey and Admiral McConnell wrote in the letter.

In its report on S. 2248, the Intelligence Committee recognized that ''without retroactive immunity, the private sector might be unwilling to cooperate with lawful government requests in the future without unnecessary court involvement and protracted litigation. The possible reduction in intelligence that might result from this delay is simply unacceptable for our Nation.''

The letter goes on to say:

The committee's measured judgment reflects the principle that private citizens who respond in good faith to a request for assistance by public officials should not be held liable for their actions.

And that, in fact, has always been the common law rule in the United States of America. The concern is not only to protect those who were good enough to assist the Government in the past but also to ensure that in the future companies can rely upon this type of protection because of all of the situations in which they find themselves. It is very difficult for people to do business with them if they believe they might be hauled into court and all of the resultant effects of litigation would extend to them.

In the letter that Attorney General Mukasey and Admiral McConnell wrote to our leadership, they point out their objection to several amendments and one of those amendments is specifically the one offered by the Senator from Connecticut, striking the immunity provisions, No. 3907. They begin by discussing it in this way:

Extending liability protection to such companies is imperative; failure to do so could limit future cooperation by such companies and put critical intelligence operations at risk. Moreover, litigation against companies believed to have assisted the government risks the disclosure of highly classified information regarding extremely sensitive intelligence sources and methods. If any of these amendments—

And they specifically refer to this amendment—

. . . are part of the bill . . . we, as well as the President's other senior advisors, will recommend that he veto the bill.

We know we need a bill to become law. We know what the President will accept, and we know it would be unacceptable to strike the immunity provisions as amendment No. 3907 would do. But let me continue to quote from this letter, because the authors note something in addition to the problem I identified, and I will state from it precisely:

This amendment also would strike the important provisions in the bill that would establish procedures for implementing existing statutory defenses in the future and that would preempt State investigations of assistance provided by any electronic communication service provider to an element of the intelligence community. Those provisions are important to ensuring that electronic communication service providers can take full advantage of existing immunity provisions and to protecting highly classified information.

In other words, this amendment doesn't simply strike the immunity provisions but would also have this deleterious effect.

I want to quote from three other paragraphs of the bill, but I don't want to exceed 10 minutes. Therefore, I would ask how much time I have consumed.

The PRESIDING OFFICER. Five minutes has been consumed.

Mr. KYL. I thank the Chair.

Let me quote from three other paragraphs of the letter relating to this amendment. The authors are referring to the Intelligence Committee's extensive work on this particular aspect of the problem, and they say:

After reviewing the relevant documents, the Intelligence Committee determined that providers had acted in response to written requests or directives stating that the activities had been authorized by the President and had been determined to be lawful.

The letter goes on to note:

In its Conference Report, the committee ''concluded that the providers had a good faith basis'' for responding to the requests

for assistance they received. The Senate Intelligence Committee ultimately agreed to necessary immunity protections on a nearly unanimous bipartisan 13–2 vote. Twelve members of the committee subsequently rejected a motion to strike this provision.

The authors go on to note:

The immunity offered in S. 2248 applies only in a narrow set of circumstances.

They note, for example:

A court must review this certification before an action may be dismissed. This immunity provision does not extend to the government or government officials.

In other words, they can still be sued.

And it does not immunize any criminal conduct.

This is critical to understand what the amendment does not do.

Let me quote from the final paragraph relating to this particular amendment. Attorney General Mukasey and Admiral McConnell say:

Providing this liability protection is critical to the national security. As the Intelligence Committee recognized, ''the intelligence community cannot obtain the intelligence it needs without assistance from these companies.'' That committee also recognized that companies in the future may be less willing to assist the government if they face the threat of private lawsuits each time they are alleged to have provided assistance. The committee concluded that: ''The possible reduction in intelligence that might result from this delay is simply unacceptable for the safety of our Nation.''

The authors then conclude:

Allowing continued litigation also risks the disclosure of highly classified information regarding intelligence sources and methods. In addition to providing an advantage to our adversaries, the potential disclosure of classified information puts the facilities and personnel of electronic communication service providers at risk. For these reasons, we, as well as the President's other senior advisers, will recommend that he veto any bill that does not afford liability protection to these companies.

This is, I guess one could say, the definitive word of what the President is recommending and is willing to accept from the Congress. It comes from the two individuals in our Government who have the chief responsibility for our safety with respect to not only the protection of American civil liberties but also the gathering of foreign intelligence, and it extensively quotes from the report of the committee itself, the Intelligence Committee, which it notes acted in a bipartisan 13-to-2 vote to provide for this liability protection.

That is why it is so critical that when we have an opportunity to vote, I gather tomorrow or whenever we have an opportunity to vote on the amendment of the Senator from Connecticut, we reject that amendment on the grounds that it is contrary to the Intelligence Committee's actions, to the recommendations of the Attorney General and the Director of National Intelligence, and to the President with respect to the liability protection for these entities.

There is much we cannot discuss, because so much of this program is of a classified nature. But I think everybody understands the fundamental principle involved here, and that is: When citizens of the United States are asked by their Government to assist, and they agree to do that in good faith for the protection of citizens of the United States of America, they should be protected from lawsuits that have been filed. That is what the amendment of the Senator from Connecticut would do is to eliminate that protection, and it is why the amendment should be defeated.

I hope my colleagues are recognizing the seriousness of what these two authors of this letter have said when they recognize the seriousness of the potential consequences from failing to provide this kind of liability protection and that we will support the Intelligence Committee, we will support the intelligence community, and we will reject the amendment of the Senator from Connecticut.

EXHIBIT 1

FEBRUARY 5, 2008.

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

DEAR SENATOR REID: This letter presents the views of the Administration on various amendments to the Foreign Intelligence Surveillance Act of 1978 (FISA) Amendments Act of 2008 (S. 2248), a bill ''to amend the Foreign Intelligence Surveillance Act of 1978, to modernize and streamline the provisions of that act, and for other purposes.'' The letter also addresses why it is critical that the authorities contained in the Protect America Act not be allowed to expire. We have appreciated the willingness of Congress to address the need to modernize FISA and to work with the Administration to allow the intelligence community to collect the foreign intelligence information necessary to protect the Nation while protecting the civil liberties of Americans. We commend Congress for the comprehensive approach that it has taken in considering these authorities and are grateful for the opportunity to engage with Congress as it conducts an in-depth analysis of the relevant issues.

In August, Congress took an important step toward modernizing FISA by enacting the Protect America Act of 2007. That Act has allowed us temporarily to close intelligence gaps by enabling our intelligence professionals to collect, without a court order, foreign intelligence information from targets overseas. The intelligence community has implemented the Protect America Act in a responsible way, subject to extensive executive branch, congressional, and judicial oversight, to meet the country's foreign intelligence needs while protecting civil liberties. Indeed, the Foreign Intelligence Surveillance Court (FISA Court) recently approved the procedures used by the Government under the Protect America Act to determine that targets are located overseas, not in the United States.

The Protect America Act was scheduled to expire on February 1, 2008, but Congress has extended that Act for fifteen days, through February 16, 2008. In the face of the continued threats to our Nation from terrorists and other foreign intelligence targets, it is vital that Congress not allow the core authorities of the Protect America Act to expire, but instead pass long-term FISA modernization legislation that both includes the collection authority conferred by the Protect America Act and provides protection from private lawsuits against companies that are believed to have assisted the Government in the aftermath of the September 11th terrorist attacks on America. Liability protection is the just result for companies who answered their Government's call for assistance. Further, it will ensure that the Government can continue to rely upon the assistance of the private sector that is so necessary to protect the Nation and enforce its laws.

S. 2248, reported by the Senate Select Committee on Intelligence, would satisfy both of these imperatives. That bill was reported out of committee on a nearly unanimous 13–2 vote. Although it is not perfect, it contains many important provisions, and was developed through a thoughtful process that resulted in a bill that helps ensure that both the lives and the civil liberties of Americans will be safeguarded. First, it would establish a firm, long-term foundation for our intelligence community's efforts to track terrorists and other foreign intelligence targets located overseas. Second, S. 2248 would afford retroactive liability protection to communication service providers that are believed to have assisted the Government with intelligence activities in the aftermath of September 11th. In its report on S. 2248, the Intelligence Committee recognized that ''without retroactive immunity, the private sector might be unwilling to cooperate with lawful Government requests in the future without unnecessary court involvement and protracted litigation. The possible reduction in intelligence that might result from this delay is simply unacceptable for the safety of our Nation.'' The committee's measured judgment reflects the principle that private citizens who respond in good faith to a request for assistance by public basic legal role officials should not be held liable for their actions. Thus, with the inclusion of the proposed manager's amendment, which would make necessary technical changes to the bill, we strongly support passage of S. 2248.

For reasons elaborated below, the Administration also strongly favors two other proposed amendments to the Intelligence Committee's bill. One would strengthen S. 2248 by expanding FISA to permit court-authorized surveillance of international proliferators of weapons of mass destruction. The other would ensure the timely resolution of any challenges to government directives issued in support of foreign intelligence collection efforts.

Certain other amendments have been offered to S. 2248, however, that would undermine significantly the core authorities and immunity provisions of that bill. After careful study, we have determined that those amendments would result in a final bill that would not provide the intelligence community with the tools it needs to collect effectively foreign intelligence information vital for the security of the Nation. If the President is sent a bill that does not provide the U.S. intelligence agencies the tools they need to protect the nation, the President will veto the bill.

I. LIMITATIONS ON THE COLLECTION OF FOREIGN INTELLIGENCE

Several proposed amendments to S. 2248 would have a direct, adverse impact on our ability to collect effectively the foreign intelligence information necessary to protect the Nation. We note that three of these amendments were part of the Senate Judiciary Committee substitute, which has already been rejected by the Senate on a 60–34 vote. We explained why those three amendments were unacceptable in our November 14, 2007, letter to Senator Leahy regarding the Senate Judiciary Committee substitute, and the Administration reiterated these concerns in a Statement of Administration Policy (SAP) issued on December 17, 2007. A copy of that letter and the SAP are attached for your reference.

Prohibition on Collecting Vital Foreign Intelligence Information (No amendment number available). This amendment provides that ''no communication shall be acquired under [Title VII of S. 2248] if the Government knows before or at the time of acquisition that the communication is to or from a person reasonably believed to be located in the United States,'' except as authorized under Title I of FISA or certain other exceptions. The amendment would require the Government to ''segregate or specifically designate'' any such communication and the Government could access such communications only under the authorities in Title I of FISA or under certain exceptions. Even for communications falling under one of the limited exceptions or an emergency exception, the Government still would be required to submit a request to the FISA Court relating to such communications. The procedural mechanisms it would establish would diminish our ability swiftly to monitor a communication from a terrorist overseas to a person in the United States—precisely the communication that the intelligence community may have to act on immediately. Finally, the amendment would draw unnecessary and harmful distinctions between types of foreign intelligence information, allowing the Government to collect communications under Title VII from or to the United States that contain information relating to terrorism but not other types of foreign intelligence information, such as that relating to the national defense of the United States or attacks, hostile actions, and clandestine intelligence activities of a foreign power.

This amendment would eviscerate critical core authorities of the Protect America Act and S. 2248. Our prior letter and the Statement of Administration Policy explained how this type of amendment increases the danger to the Nation and returns the intelligence community to a pre-September 11th posture that was heavily criticized in congressional reviews. It would have a devastating impact on foreign intelligence surveillance operations; it is unsound as a matter of policy; its provisions would be inordinately difficult to implement; and thus it is unacceptable. The incidental collection of U.S. person communications is not a new issue for the intelligence community. For decades, the intelligence community has utilized minimization procedures to ensure that U.S. person information is properly handled and ''minimized.'' It has never been the case that the mere fact that a person overseas happens to communicate with an American triggers a need for court approval. Indeed, if court approval were mandated in such circumstances, there would be grave operational consequences for the intelligence community's efforts to collect foreign intelligence. Accordingly, if this amendment is part of the bill that is presented to the President, we, as well as the President's other senior advisors, will recommend that he veto the bill.

Imposition of a ''Significant Purpose'' Test (No. 3913). This amendment, which was part of the Judiciary Committee substitute, would require an order from the Foreign Intelligence Surveillance Court (FISA Court) if a ''significant purpose'' of an acquisition targeting a person abroad is to acquire the communications of a specific person reasonably believed to be in the United States. If the concern driving this proposal is so-called ''reverse targeting''—circumstances in which the Government would conduct surveillance of a person overseas when the Government's actual target is a person in the United States with whom the person overseas is communicating—that situation is already addressed in FISA today. If the person in the United States is the actual target, an order from the FISA Court is required. Indeed, S. 2248 codifies this longstanding Executive Branch interpretation of FISA.

The amendment would place an unnecessary and debilitating burden on our intelligence community's ability to conduct surveillance without enhancing the protection of the privacy of Americans. The introduction of this ambiguous ''significant purpose'' standard would raise unacceptable operational uncertainties and problems, making it more difficult to collect intelligence when a foreign terrorist overseas is calling into the United States—which is precisely the communication we generally care most about. Part of the value of the Protect America Act, and any subsequent legislation, is to enable the intelligence community to collect expeditiously the communications of terrorists in foreign countries who may contact an associate in the United States. The intelligence community was heavily criticized by numerous reviews after September 11, including by the Congressional Joint Inquiry into September 11, regarding its insufficient attention to detecting communications indicating homeland attack plotting. To quote the Congressional Joint Inquiry:

The Joint Inquiry has learned that one of the future hijackers communicated with a known terrorist facility in the Middle East while he was living in the United States. The Intelligence Community did not identify the domestic origin of those communications prior to September 11, 2001 so that additional FBI investigative efforts could be coordinated. Despite this country's substantial advantages, there was insufficient focus on what many would have thought was among the most critically important kinds of terrorist-related communications, at least in terms of protecting the Homeland.

In addition, the proposed amendment would create uncertainty by focusing on whether the ''significant purpose . . . is to acquire the communication'' of a person in the United States, not just to target the person here. To be clear, a ''significant purpose'' of intelligence community activities that target individuals outside the United States is to detect communications that may provide warning of homeland attacks, including communications between a terrorist overseas and associates in the United States. A provision that bars the intelligence community from collecting these communications is unacceptable. If this amendment is part of the bill that is presented to the President, we, as well as the President's other senior advisors, will recommend that he veto the bill.

Imposition of a ''Specific Individual Target'' Test (No. 3912). This amendment, which was part of the Judiciary Committee substitute, would require the Attorney General and the Director of National Intelligence to certify that any acquisition ''is limited to communications to which any party is a specific individual target (which shall not be limited to known or named individuals) who is reasonably believed to be located outside the United States.'' This provision could hamper United States intelligence operations that currently are authorized to be conducted overseas and that could be conducted more effectively from the United States without harming the privacy interests of United States persons. For example, the intelligence community may wish to target all communications in a particular neighborhood abroad before our armed forces conduct an offensive. This amendment could prevent the intelligence community from targeting a particular group of buildings or a geographic area abroad to collect foreign intelligence prior to such military operations. This restriction could have serious consequences on our ability to collect necessary foreign intelligence information, including information vital to conducting military operations abroad and protecting the lives of our service members, and it is unacceptable. Imposing such additional requirements to the carefully crafted framework provided by S. 2248 would harm important intelligence operations without appreciably enhancing the privacy interests of Americans. If this amendment is part of the bill that is presented to the President, we, as well as the President's other senior advisors, will recommend that he veto the bill.

Limits Dissemination of Foreign Intelligence Information (No. 3915). This amendment originally was offered in the Senate Intelligence Committee, where it was rejected on a 10–5 vote. The full Senate then rejected the amendment as part of its consideration of the Judiciary Committee amendment. The proposed amendment would impose significant new restrictions on the use of foreign intelligence information, including information not concerning United States persons, obtained or derived from acquisitions using targeting procedures that the FISA Court later found to be unsatisfactory for any reason. By requiring analysts to go back to the relevant databases and extract certain information, as well as to determine what other information is derived from that information, this requirement would place a difficult, and perhaps insurmountable, operational burden on the intelligence community in implementing authorities that target terrorists and other foreign intelligence targets located overseas. The effect of this burden would be to divert analysts and other resources from their core mission-protecting the Nation-to search for information, including information that does not concern United States persons. This requirement also stands at odds with the mandate of the September 11th Commission that the intelligence community should find and link disparate pieces of foreign intelligence information. Finally, the requirement would actually degrade—rather than enhance—privacy protections by requiring analysts to locate and examine United States person information that would otherwise not be reviewed. Accordingly, if this amendment is part of the bill that is presented to the President, we, as well as the President's other senior advisors, will recommend that he veto the bill.

II. LIABILITY PROTECTION FOR TELECOMMUNICATIONS COMPANIES

Several amendments to S. 2248 would alter the carefully crafted provisions in that bill that afford liability protection to those companies believed to have assisted the Government in the aftermath of the September 11th attacks. Extending liability protection to such companies is imperative; failure to do so could limit future cooperation by such companies and put critical intelligence operations at risk. Moreover, litigation against companies believed to have assisted the Government risks the disclosure of highly classified, information regarding extremely sensitive intelligence sources and methds. If any of these amendments is part of the bill that is presented to the President, we as well as the President's other senior advisors, will recommend that he veto the bill.

Striking the Immunity Provisions (No. 3907). This amendment would strike Title II of S. 2248, which affords liability protection to telecommunications companies believed to have assisted the Government following the September 11th attacks. This amendment also would strike the important provisions in the bill that would establish procedures for implementing existing statutory defenses in the future and that would preempt state investigations of assistance provided by any electronic communication service provider to an element of the intelligence

community. Those provisions are important to ensuring that electronic communication service providers can take full advantage of existing immunity provisions and to protecting highly classified information.

Affording liability protection to those companies believed to have assisted the Government with communications intelligence activities in the aftermath of September 11th is a just result and is essential to ensuring that our intelligence community is able to carry out its mission. After reviewing the relevant documents, the Intelligence Committee determined that providers had acted in response to written requests or directives stating that the activities had been authorized by the President and had been determined to be lawful. In its Conference Report, the Committee ''concluded that the providers . . . had a good faith basis'' for responding to the requests for assistance they received. The Senate Intelligence Committee ultimately agreed to necessary immunity protections on a nearly-unanimous, bipartisan, 13–2 vote. Twelve Members of the Committee subsequently rejected a motion to strike this provision.

The immunity offered in S. 2248 applies only in a narrow set of circumstances. An action may be dismissed only if the Attorney General certifies to the court that either: (i) the electronic communications service provider did not provide the assistance; or (ii) the assistance was provided in the wake of the September 11th attacks, and was described in a written request indicating that the activity was authorized by the President and determined to be lawful. A court must review this certification before an action may be dismissed. This immunity provision does not extend to the Government or Government officials, and it does not immunize any criminal conduct.

Providing this liability protection is critical to the national security. As the Intelligence Committee recognized, ''the intelligence community cannot obtain the intelligence it needs without assistance from these companies.'' That committee also recognized that companies in the future may be less willing to assist the Government if they face the threat of private lawsuits each time they are alleged to have provided assistance. The committee concluded that: ''The possible reduction in intelligence that might result from this delay is simply unacceptable for the safety of our Nation.'' Allowing continued litigation also risks the disclosure of highly classified information regarding intelligence sources and methods. In addition to providing an advantage to our adversaries, the potential disclosure of classified information puts the facilities and personnel of electronic communication service providers at risk.

For these reasons, we, as well as the President's other senior advisors, will recommend that he veto any bill that does not afford liability protection to these companies.

Substituting the Government as the Defendant in Litigation (No. 3927). This amendment would substitute the United States as the party defendant for any covered civil action against a telecommunications provider if certain conditions are met. The Government would be substituted if the FISA Court determined that the company received a written request that complied with 18 U.S.C. §2511(2)(a)(ii)(B), an existing statutory protection; the company acted in ''good faith . . . pursuant to an objectively reasonable belief'' that compliance with the written request was permitted by law; or that the company did not participate.

Substitution is not an acceptable alternative to immunity. Substituting the Government would simply continue the litigation at the expense of the American taxpayer. Substitution does nothing to reduce the risk of the further disclosure of highly classified information. The very point of these lawsuits is to prove plaintiffs' claims by disclosing classified information regarding the activities alleged in the complaints, and this amendment would permit plaintiffs to participate in proceedings before the FISA Court regarding the conduct at issue. A judgment finding that a particular company is a Government partner also could result in the disclosure of highly classified information regarding intelligence sources and methods and hurt the company's reputation overseas. In addition, the companies would still face many of the burdens of litigation—including attorneys' fees and disruption to their businesses from discovery—because their conduct will be the key question in the litigation. Such litigation could deter private sector entities from providing assistance to the intelligence community in the future, Finally, the lawsuits could result in the expenditure of taxpayer resources, as the U.S. Treasury would be responsible for the payment of an adverse judgment. If this amendment is part of the bill that is presented to the President, we, as well as the President's other senior advisors, will recommend that he veto the bill.

FISA Court Involvement in Determining Immunity (No. 3919). This amendment would require all judges of the FISA Court to determine whether the written requests or directives from the Government complied with 18 U.S.C. §2511(2)(a)(ii), an existing statutory protection; whether companies acted in ''good faith reliance of the electronic communication service provider on the written request or directive under paragraph (1)(A)(ii), such that the electronic communication service provider had an objectively reasonable belief under the circumstances that the written request or directive was lawful''; or whether the companies did not participate in the alleged intelligence activities.

This amendment is not acceptable. It is for Congress, not the courts, to make the public policy decision whether to grant liability protection to telecommunications companies who are being sued simply because they are alleged to have assisted the Government in the aftermath of the September 11th attacks. The Senate Intelligence Committee has reviewed the relevant documents and concluded that those who assisted the Government acted in good faith and received written assurances that the activities were lawful and being conducted pursuant to a Presidential authorization. This amendment effectively sends a message of no-confidence to the companies who helped our Nation prevent terrorist attacks in the aftermath of the deadliest foreign attacks on U.S. soil. Transferring a policy decision critical to our national security to the FISA Court, which would be limited in its consideration to the particular matter before them (without any consideration of the impact of immunity on our national security), is unacceptable.

In contrast to S. 2248, this amendment would not allow for the expeditious dismissal of the relevant litigation. Rather, this amendment would do little more than transfer the existing litigation to the full FISA Court and would likely result in protracted litigation. The standards in the amendment also are ambiguous and would likely require fact-finding on the issue of good faith and whether the companies ''had an objectively reasonable belief'' that assisting the Government was lawful—even though the Senate Intelligence Committee has already studied this issue and concluded such companies did act in good faith. The companies being sued would continue to be subjected to the burdens of the litigation, and the continued litigation would increase the risk of the disclosure of highly classified information.

The procedures set forth under the amendment also present insurmountable problems. First, the amendment would permit plaintiffs to participate in the litigation before the FISA Court. This poses a very serious risk of disclosure to plaintiffs of classified facts over which the Government has asserted the state secrets privilege and of disclosure of these secrets to the public. The FISA Court safeguards national security secrets precisely because the proceedings are generally ex parte—only the Government appears. The involvement of plaintiffs also is likely to prolong the litigation. Second, assembling the FISA Court for en banc hearings on these cases could cause delays in the disposition of the cases. Third, the amendment would purport to abrogate the state secrets privilege with respect to proceedings in the FISA Court. This would pose a serious risk of harm to the national security by possibly allowing plaintiffs access to highly classified information about sensitive intelligence activities, sources, and methods. The conclusion of the FISA Court also may reveal sensitive information to the public and our adversaries. Beyond these serious policy considerations, it also would raise very serious constitutional questions about the authority of Congress to abrogate the constitutionally-based privilege over national security information within the Executive's control. This is unnecessary, because classified information may be shared with a court in camera and ex parte even when the state secrets privilege is asserted. Fourth, the amendment does not explicitly provide for appeal of determinations by the FISA Court. Finally, imposing a standard involving an ''objectively reasonable belief'' is likely to cause companies in the future to feel compelled to make an independent finding prior to complying with a lawful Government request for assistance. Those companies do not have access to information necessary to make this judgment. Imposition of such a standard could cause dangerous delays in critical intelligence operations and put our national security at risk. As the Intelligence Committee recognized in its report on S. 2248, ''the intelligence community cannot obtain the intelligence it needs without assistance from these companies.'' For these reasons, existing law rightly places no such obligation on telecommunications companies.

If this amendment is part of the bill that is presented to the President, we, as well as the President's other senior advisors, will recommend that he veto the bill.

III. OTHER AMENDMENTS

Imposing a Short Sunset on the Legislation (No. 3930). This amendment would shorten the existing sunset provision in S. 2248 from six years to four years. We strongly oppose it. S. 2248 should not have an expiration date at all. The threats we face do not come with an expiration date, and our authorities to counter those threats should be placed on a permanent foundation. They should not be in a continual state of doubt. Any sunset provision withholds from our intelligence professionals and our private partners the certainty and permanence they need to protect Americans from terrorism and other threats to the national security. The intelligence community operates much more effectively when the rules governing our intelligence professionals' ability to track our adversaries are established and are not changing from year to year. Stability of law also allows the intelligence community and our private partners to invest resources appropriately. Nor is there any need for a sunset. There has been extensive public discussion, debate, and consideration of FISA modernization and there is now a lengthy factual

record on the need for this legislation. Indeed, Administration officials have been working with Congress since at least the summer of 2006 on legislation to modernize FISA. There also has been extensive congressional oversight and reporting regarding the Government's use of the authorities under the Protect America Act. In addition, S. 2248 includes substantial congressional oversight of the Government's use of the authorities provided in the bill. This oversight includes provision of various written reports to the congressional intelligence committees, including semiannual assessments by the Attorney General and the Director of National Intelligence, assessments by each relevant agency's Inspector General, and annual reviews by the head of any agency conducting operations under Title VII. Congress can, of course, revisit these issues and amend a statute at whatever time it chooses. We therefore urge Congress to provide a long-term solution to an out-dated FISA and to resist attempts to impose a short expiration date on this legislation. Although we believe that any sunset is unwise and unnecessary, we support S. 2248 despite its six-year sunset because it meets our operational needs to keep the country safe by providing needed authorities and liability protection.

Imposes Court Review of Compliance with Minimization Procedures (No. 3920). This amendment, which was part of the Judiciary Committee substitute, would allow the FISA Court to review compliance with minimization procedures that are used on a programmatic basis for the acquisition of foreign intelligence information by targeting individuals reasonably believed to be outside the United States. We strongly oppose this amendment. It could place the FISA Court in a position where it would conduct individualized review of the intelligence community's foreign communications intelligence activities. While conferring such authority on the court is understandable in the context of traditional FISA collection, it is anomalous in this context, where the court's role is in approving generally applicable procedures for collection targeting individuals outside the United States.

Congress is aware of the substantial oversight of the use of the authorities contained in the Protect America Act. As noted above, S. 2248 significantly increases such oversight by mandating semiannual assessments by the Attorney General and the Director of National Intelligence, assessments by each relevant agency's Inspector General, and annual reviews by the head of any agency conducting operations under Title VII, as well as extensive reporting to Congress and to the FISA Court. The repeated layering of overlapping oversight requirements on one aspect of intelligence community operations is both unnecessary and not the best use of limited resources and expertise.

Expedited FISA Court Review of Challenges and Petitions to Compel Compliance (No. 3941). This amendment would require the FISA Court to make an initial ruling on the frivolousness of a challenge to a directive issued under the bill within five days, and to review any challenge that requires plenary review within 30 days. The amendment also provides that if the Constitution requires it, the court can take longer to decide the issues before it. The amendment sets forth similar procedures for the enforcement of directives (i.e., when the Government seeks to compel an electronic communication service provider to furnish assistance or information). This amendment would ensure that challenges to directives and petitions to compel compliance with directives are adjudicated in a manner that avoids undue delays in critical intelligence collection. This amendment would improve the existing provisions in S. 2248 pertaining to challenges to directives and petitions to compel cooperation by electronic communication service providers, and we strongly support it.

Proliferation of Weapons of Mass Destruction (No. 3938). This amendment, which would apply to surveillance pursuant to traditional FISA Court orders, would expand the definition of ''foreign power'' to include groups engaged in the international proliferation of weapons of mass destruction. This amendment reflects the threat posed by these catastrophic weapons and extends FISA to apply to individuals and groups engaged in the international proliferation of such weapons. To the extent that they are not also engaged in international terrorism, FISA currently does not cover those engaged in the international proliferation of weapons of mass destruction. The amendment would expand the definition of ''agent of a foreign power'' to include non-U.S. persons engaged in such activities, even if they cannot be connected to a foreign power before the surveillance is initiated. The amendment would close an existing gap in FISA's coverage with respect to surveillance conducted pursuant to traditional FISA Court orders, and we strongly support it.

Exclusive Means (No. 3910). We understand that the amendment relating to the exclusive means provision in S. 2248 is undergoing additional revision. As a result, we are withholding comment on this amendment and its text at this time. We note, however, that we support the provision currently contained in S. 2248 and to support its modification, we would have to conclude that the amendment provides for sufficient flexibility to permit the President to protect the Nation adequately in times of national emergency.

IV. EXPIRATION

While it is essential that any FISA modernization presented to the President provide the intelligence community with the tools it needs while safeguarding the civil liberties of Americans, it is also vital that Congress not permit the authorities of the Protect America Act not be allowed simply to expire. As you are aware, the Protect America Act, which allowed us temporarily to close gaps in our intelligence collection, was to sunset on February 1, 2008. Because Congress indicated that it was ''a legislative impossibility'' to meet this deadline, it passed and the President signed a fifteen-day extension. Failure to pass long-term legislation during this period would degrade our ability to obtain vital foreign intelligence information, including the location, intentions, and capabilities of terrorists and other foreign intelligence targets abroad.

First, the expiration of the authorities in the Protect America Act would plunge critical intelligence programs into a state of uncertainty which could cause us to delay the gathering of, or simply miss, critical foreign intelligence information. Expiration would result in a degradation of critical tools necessary to carry out our national security mission. Without these authorities, there is significant doubt surrounding the future of aspects of our operations. For instance, expiration would create uncertainty concerning:

The ability to modify certifications and procedures issued under the Protect America Act to reflect operational needs and the implementation of procedures to ensure that agencies are fully integrated protecting the Nation;

The continuing validity of liability protection for those who assist us according to the procedures under the Protect America Act;

The continuing validity of the judicial mechanism for compelling the assistance needed to protect our national security;

The ability to cover intelligence gaps created by new communication paths or technologies. If the intelligence community uncovers such new methods, it will need to act to cover these intelligence gaps.

All of these aspects of our operations are subject to great uncertainty and delay if the authorities of the Protect America Act expire. Indeed, some critical operations will likely not be possible without the tools provided by the Protect America Act. We will be forced to pursue intelligence collection under FISA's outdated legal framework—a framework that we already know leads to intelligence gaps. This degradation of our intelligence capability will occur despite the fact that, as the Department of Justice has notified Congress, the FISA Court has approved our targeting procedures pursuant to the Protect America Act.

Second, expiration or continued short-term extensions of the Protect America Act means that an issue of paramount importance will not be addressed. This is the issue of providing liability protection for those who provided vital assistance to the Nation after September 11, 2001. Senior leaders of the intelligence community have consistently emphasized the critical need to address this issue since 2006. See, ''FISA for the 21st Century'' hearing before the Senate Judiciary Committee with Director of the Central Intelligence Agency and Director of the National Security Agency; 2007 Annual Threat Assessment Hearing before the Senate Select Committee on Intelligence with Director of National Intelligence. Ever since the first Administration proposal to modernize FISA in April 2007, the Administration had noted that meeting the intelligence community's operational needs had two critical components—modernizing FISA's authorities and providing liability protection. The Protect America Act updated FISA's legal framework, but it did not address the need for liability protection.

As we have discussed above, and the Senate Intelligence Committee recognized, ''without retroactive immunity, the private sector might be unwilling to cooperate with lawful Government requests in the future without unnecessary court involvement and protracted litigation.'' As it concluded, ''[t]he possible reduction in intelligence that might result from this delay is simply unacceptable for the safety of our Nation.'' In short, if the absence of retroactive liability protection leads to private partners not cooperating with foreign intelligence activities, we can expect more intelligence gaps.

Questions surrounding the legality of the Government's request for assistance following September 11th should not be resolved in the context of suits against private parties. By granting responsible liability protection, S. 2248 ''simply recognizes that, in the specific historical circumstances here, if the private sector relied on written representations that high-level Government officials had assessed the [the President's] program to be legal, they acted in good faith and should be entitled to protection from civil suit.'' Likewise, we do not believe that it is constructive—indeed, it is destructive—to degrade the ability of the intelligence community to protect the country by punishing our private partners who are not part of the ongoing debate between the branches over their respective powers.

The Protect America Act's authorities expire in less than two weeks. The Administration remains prepared to work with Congress towards the passage of a FISA modernization bill that would strengthen the Nation's intelligence capabilities while respecting and protecting the constitutional rights of Americans, so that the President can sign such a bill into law. Passage of S. 2248 and rejection

of those amendments that would undermine it would be a critical step in this direction. We look forward to continuing to work with you and the Members of the Senate on these important issues.

Thank you for the opportunity to present our views. The Office of Management and Budget has advised us that from the perspective of the Administration's program, there is no objection to the submission of this letter.

Sincerely,

MICHAEL B. MUKASEY,
Attorney General.
J.M. MCCONNELL,
Director of National Intelligence.

Mr. KYL. Mr. President, I ask unanimous consent that during the quorum call, which I am about to invoke, we not have time counted against either side as it runs.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. BROWN. I ask unanimous consent to speak as in morning business and that the time I use not be counted against debate on the pending amendments.

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

ECONOMIC STIMULUS

Mr. BROWN. My home State of Ohio is deep into a foreclosure crisis. Gas prices are going up, and all energy prices and transportation costs are going up. More Americans are living paycheck to paycheck, hand to mouth, some not even that lucky. Congress is now working on an economic stimulus package, one that is desperately needed. Let me tell the story about something that happened last month in my home State of Ohio to illustrate how this recession, which has clearly already swept across my State, has had an impact on families, on middle-class families, on families who consider themselves middle class and sometimes do not—a couple of stories.

One is from Tim in Cleveland. Tim told us that for some time, he and his wife had volunteered at a food bank. They donated money to this food bank. Over time, as his budget got tighter, his pay wasn't keeping up with the cost of gasoline, heating, the increasing cost of food, and he no longer contributed to the food bank, but he and his wife kept working there. More recently, Tim said that he began to go to the food bank for food. He said he was a bit embarrassed by that, which he should not have been, and said: I used to consider myself middle class. Now I do not. He has held the same job, worked the same long hours, but he is simply not able to keep up with an economy under the rules of globalization, where wages are stagnant and prices continue to go up.

Perhaps a more tragic story, only because it involves a larger number of people, perhaps, than Tim: In Hocking County in Logan, OH, a community about halfway between Columbus, in the center of the State, the capital in Athens, the home of Howard University, a city on the Ohio River, a town of Logan in the County of Hocking, a county of about 30,000 people, at 3:30 in the morning on a cold December night, the people began to line up at the United Methodist Church to go to a food pantry. The doors opened at 8. People in cars were snaked around the whole area in Logan, and by 1 in the afternoon, 2,000 people—7 percent of the population of Hocking County, an Appalachian county where people work hard, have raised their kids proudly, have taken care of themselves and their neighbors—2,000 people in this community of 30,000 had visited this food bank, many of them driving 25 or 30 minutes to get there.

Congress, in response, is working on an economic stimulus package that is desperately needed. The Finance Committee has passed a proposal that puts cash in the hands of working Americans and doesn't turn its back on those in need.

A stimulus package is two things: One, it is to stimulate the economy by putting money in the hands of people who will spend it. Second, it is helping those people most victimized, hardest hit by the recession. That is why the Finance Committee, better than the President's version and the House version, will do those two things. It will stimulate the economy better, and it will put money in the hands of those who have suffered, who have been hardest hit. I applaud the committee for taking the plight of every American, retirees and disabled veterans, into consideration.

The Finance Committee package aims at jump-starting this stalled economy. For those who are facing in too many cases heat or eat, whether they can afford food or paying the heating bills, it will provide immediate assistance.

Importantly, the Finance Committee package provides relief to 20 million seniors and 250,000 disabled Americans who were left out of the other package under consideration, the package most of my Republican friends are supporting, the one without help for 250,000 disabled and 20 million seniors. Some Republicans, those who are a bit more courageous and more willing to break with the President and their Senate leadership, are supporting the package that includes 20 million seniors and 250,000 disabled Americans.

The Finance Committee package includes an extension of unemployment insurance, which is a crucial and commonsense response in an economic downturn. An awful lot of Ohioans, in Toledo and Lima and Dayton and Hamilton and Middletown, have seen their unemployment compensation run out. They have been unemployed for 26 weeks or longer—a situation they didn't ask to be in, a situation where they involuntarily were laid off. They haven't been able to find a job in this economy. Many of them now are in those food banks in Dayton and Cleveland and Toledo, and many of them are looking for help. That is why it is so important that we put money directly into the pockets of people, through seniors, disabled Americans, and with the extension of unemployment compensation benefits.

About a week ago, I met with seven or eight religious leaders representing several Christian denominations, a rabbi and a leader in the Muslim community who came to my office to talk about what we need to do to answer the call for social justice, the call that preaches that regardless of one's faith, we have a responsibility, those who are more privileged, to those who are less privileged. This economic stimulus package does this. These leaders from the faith community who visited me last week spoke passionately about how, with the LIHEAP program, the program for the elderly indigent who can't afford their heating bills, with food banks and food stamps and the extension of unemployment benefits, what we need to do in this stimulus package, putting money in the pockets of middle-class Americans, including 20 million seniors and 250,000 disabled, how that is so very important to celebrate American values. As these religious leaders were discussing with me, to celebrate our Nation's values and to celebrate our faith, it is particularly important that we pass a stimulus package that not just stimulates the economy but helps those people most in need who have most been hurt by this recession.

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

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

RECOVERY REBATES AND ECONOMIC STIMULUS FOR THE AMERICAN PEOPLE ACT OF 2008—MOTION TO PROCEED

Mr. REID. Mr. President, I ask unanimous consent that the Senate resume consideration of the motion to proceed to H.R. 5140, the economic stimulus bill.

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

Is there further debate?

If not, the question is on agreeing to the motion.

The motion was agreed to.

RECOVERY REBATES AND ECONOMIC STIMULUS FOR THE AMERICAN PEOPLE ACT OF 2008

The PRESIDING OFFICER. The Senate will proceed to H.R. 5140, which the clerk will report by title.

The legislative clerk read as follows:

A bill (H.R. 5140) to provide economic stimulus through recovery rebates to individuals, incentives for business investment, and an increase in conforming and FHA loan limits.

The PRESIDING OFFICER. The majority leader is recognized.

AMENDMENT NO. 3983

(Purpose: To provide a perfecting amendment)

Mr. REID. Mr. President, I have an amendment at the desk, and I ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 3983.

Mr. REID. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

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

Mr. REID. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

CLOTURE MOTION

Mr. REID. Mr. President, I have a cloture motion at the desk.

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

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on amendment No. 3983 to H.R. 5140, the economic stimulus bill.

Herb Kohl, Max Baucus, Mark L. Pryor, Byron L. Dorgan, Robert Menendez, Jon Tester, Christopher J. Dodd, Barbara A. Mikulski, Joseph I. Lieberman, Frank R. Lautenberg, Daniel K. Akaka, Sheldon Whitehouse, Benjamin L. Cardin, Robert P. Casey, Jr., Richard Durbin, Claire McCaskill, Harry Reid.

AMENDMENT NO. 3984 TO AMENDMENT NO. 3983

Mr. REID. Mr. President, I now call up a perfecting amendment to the amendment, which is at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 3984 to amendment No. 3983.

Mr. REID. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

At the end of the amendment, add the following:

This section shall take effect 4 days after enactment.

MOTION TO COMMIT

Mr. REID. Mr. President, I now move to commit the bill to the Finance Committee with instructions to report back immediately with an amendment.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] moves to commit H.R. 5140 to the Committee on Finance with instructions to report back forthwith with an amendment numbered 3985.

Mr. REID. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

AMENDMENT NO. 3985

At the end insert the following:

This section shall become effective 3 days after enactment of the bill.

Mr. REID. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 3986

Mr. REID. Mr. President, I have an amendment at the desk, and I ask that it be reported at this time.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 3986 to the instructions of the Reid motion to commit.

Mr. REID. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

On line 2,

Strike 3 and insert 2.

Mr. REID. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 3987 TO AMENDMENT NO. 3986

Mr. REID. Mr. President, I now call up a second-degree amendment, which is at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 3987 to amendment No. 3986.

Mr. REID. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

On line 1,

Strike 2 and insert 1.

Mr. REID. Mr. President, I now ask unanimous consent that the mandatory quorum required under rule XXII be waived.

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

Mr. REID. Mr. President, I ask unanimous consent that the Senate resume consideration of H.R. 5140 at 4:30 p.m. tomorrow, Wednesday, February 6; that a vote on the motion to invoke cloture on the Reid first-degree amendment occur at 5:45 p.m., with the time from 4:30 p.m. to 5:45 p.m. be for debate with respect to the cloture motion, with the time equally divided and controlled between the two leaders and their designees, with the final 30 minutes prior to the vote divided 15 minutes each for the Republican leader and the majority leader, with the majority leader controlling the final 15 minutes; and that Members have until 4 p.m. to file any germane second-degree amendments.

The PRESIDING OFFICER. Is there objection?

Mr. REID. If the Senator would withhold.

The PRESIDING OFFICER. The majority leader.

Mr. REID. OK.

The PRESIDING OFFICER. Is there objection?

Mr. MCCONNELL. Mr. President, reserving the right to object, I ask unanimous consent that the consent be modified so that if cloture is not invoked on the Finance amendment, that amendment be withdrawn and the Senate proceed to a vote on the McConnell-Stevens amendment regarding seniors, veterans, and illegal immigrants, and that following the disposition of these amendments, the bill, as amended, if amended, be read a third time and the Senate proceed to a vote on passage.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Mr. President, I respectfully object to the request.

The PRESIDING OFFICER. Objection is heard.

Is there objection to the majority leader's request?

Without objection, it is so ordered.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate now proceed to a period for the transaction of morning business, with Senators allowed to speak therein for a period of up to 10 minutes each.

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

RETIREMENT OF MARTIN ''MARTY'' PAONE

Mr. BYRD. Mr. President, secretary for the majority, Mr. Martin Paone, is leaving the U.S. Senate. I am personally saddened by Marty's decision because I have known and worked with Marty for nearly 30 years. I take great pride in the fact that, as Senate majority leader, I hired young Marty to work in the Senate Democratic Cloakroom in 1979. Three years later, I promoted him to the floor staff of the Senate Democratic Policy Committee.

In both positions, Marty performed his work for the Senate with incredible dedication and professionalism. In fact, in a floor statement I made on October 11, 1988, I acknowledged the ''disciplined, orderly thinking'' which Marty had brought to his work in the Senate, and complimented him on his ''calm demeanor under pressure.''

I was most pleased, but not surprised, when Senate Majority Leader Mitchell selected Marty Paone to be assistant secretary for the majority, and Senate Majority Leaders Daschle and REID chose him to be secretary for the majority. This last position, of course, is one of the most important positions in the Senate. The secretary for the majority is regarded as the Senate's ''chief legislative officer'' because the office digests and processes all legislative proposals which come before the Senate. Marty thoroughly mastered his difficult and demanding responsibilities. He has carefully studied the Senate's rules and precedents. He understands how this great institution really works.

The dedication and diligence which Marty brought to every position in which he has served the Senate have only been enhanced by his friendly, helpful demeanor. Marty Paone was always on the job and at the top of his game.

Mr. President, it will be hard to say goodbye, but I wish Marty and his lovely wife Ruby, also a Senate staffer, all the happiness in the world.

RECOGNIZING CAROL MITCHELL

Mr. BYRD. Mr. President, I rise to recognize one of my former longtime staff members, Carol Mitchell, who for 15 years helped me improve health care delivery and services throughout West Virginia and the Nation. Carol has continued her contributions to public health by working in the private sector for the past 12 years.

Carol has decided to retire to enjoy more time with her husband David and son Rob. I salute Carol for her 30 years of service to the Congress and for her loyal and conscientious staff work in my office.

Over the years, Carol has worked directly with educators, health care providers and community and business leaders in West Virginia and throughout the country to develop and implement programs which benefit our citizens. She was instrumental in the creation of many of the Federal health and educational programs we know today and possesses a unique understanding of these programs and how institutions can successfully utilize them.

Carol's Capitol Hill service, includes 6 years on the Senate Appropriations Committee staff and 15 years as a senior staff aide to my West Virginia office. As a professional staff member of the Appropriations Subcommittee on Labor, Health and Human Services, Education and Related Agencies, she was a trusted adviser to subcommittee chairman TOM HARKIN. She regularly briefed subcommittee members on Federal programs totaling in the billions of dollars.

Prior to joining the Appropriations Committee as a professional staffer, Carol worked for Senator Robert P. Griffin of Michigan and Congressman William T. Cahill of New Jersey.

Carol was an exemplary public servant who has made a significant, positive difference in the lives of many people she may never meet. I thank Carol for her fine service to her country, and wish her well in whatever endeavors she undertakes in her retirement years.

THE MATTHEW SHEPARD ACT OF 2007

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. Each Congress, Senator KENNEDY and I introduce hate crimes legislation that would strengthen and add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society. Likewise, each Congress I have come to the floor to highlight a separate hate crime that has occurred in our country.

In the early morning of February 2, 2008, a gay couple, Thomas Colonna and Brad Crelia, were walking in the Capitol Hill area of Seattle, when they were nearly struck by a vehicle. The car then screeched to a halt, and several men exited, yelling anti-gay slurs. The couple attempted to run away, but Crelia, who had a broken foot, was unable to move quickly. The attackers descended upon the two men, still hurling epithets as they began to hit them. One assailant snatched the cane Crelia had been using to support his weight and began to beat him around the head and face with it. Crelia and Colonna both suffered cuts, bruises and broken bones as a result of the attack. Police have not yet made any arrests, but witnesses have provided descriptions and a license plate for the attackers.

I believe that the Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. Federal laws intended to protect individuals from heinous and violent crimes motivated by hate are woefully inadequate. This legislation would better equip the Government to fulfill its most important obligation by protecting new groups of people as well as better protecting citizens already covered under deficient laws. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

HONORING OUR ARMED FORCES

CORPORAL DUNCAN C. CROOKSTON

Mr. SALAZAR. Mr. President, I rise today to honor the memory of CPL Duncan Crookston, who died recently at Brook Army Medial Center in Texas from wounds he sustained when a roadside blast tore through his humvee on September 4, 2007. The attack killed three other soldiers in his vehicle. When he died on January 25, Duncan was 1 day shy of his 20th birthday.

Corporal Crookston's friends and family gathered at Fort Logan National Cemetery in Denver on Saturday to share their memories of a young man of extraordinary energy and talent who chose to devote himself to the service of his country. His fellow soldiers say he chose the Army knowing the dangers and accepting the possibility of losing his life. He did his job and ''he met his calling,'' one soldier said.

Duncan joined the Army shortly after graduating from Denver West High School. With his standardized test scores, any university in the country would have been lucky to have him, but he was committed to doing right by his Nation and by those with whom he served. In the Army, it became immediately clear that he had a mind for engineering and electronics, so he became the radio-tech operator in his unit. He could fix almost anything, and in the toughest conditions.

For almost 5 months after the Baghdad blast, Corporal Crookston hung on. His wife Meaghun and his mother Lee stayed by his side at Brook Army Medical Center, helping him in his fight for recovery. His wounds, though, were simply too grave. He had burns over 50 percent of his body, lost both of his legs, his right arm, and his left hand.

There was no limit, it seems, to Corporal Crookston's courage. On a mission, he always wanted to be out front. In the hospital, he fought the odds to the end.

Corporal Crookston's courage is all the more admirable for the fact that he applied it in service to his country, fulfilling his duty with honor. ''You will never do anything in this world without courage,'' the Greek philosopher Aristotle once wrote. ''It is the greatest quality of the mind next to honor.''

It is hard to imagine a more powerful example of courage than that which Duncan Crookston and his family demonstrated over the last few months of his life. There are no words that can capture the pain or grief they must have endured as they battled for his life.

To his wife Meaghun, to his father Christopher, to his mother Lee, and to

his five brothers, our thoughts and prayers are with you. You have made a sacrifice that a grateful Nation can never repay. I hope that one day your sorrow will salved by your pride in knowing that Duncan served the Nation with overwhelming honor, courage, and dignity. He will never be forgotten.

ADDITIONAL STATEMENTS

TRIBUTE TO CORPORAL JUSTIN B. ''JEB'' NEEL

• Mr. PRYOR. Mr. President, it is with great pleasure that today I commend a great American and Arkansan on his last day of duty in the Marine Corps. Cpl Justin B. ''Jeb'' Neel grew up in Little Rock and attended Little Rock Catholic High where he was a member of their prestigious and well-known Marine Junior Reserve Officer Training Corps. He went on to graduate from the University of Arkansas, my alma mater, with his bachelor's of art in criminal justice. He was also a member of the Sigma Alpha Epsilon fraternity, of which I am a member.

Upon his graduation in 2003, Jeb enlisted in the Marine Corps and answered the call to serve his country. After completing boot camp in San Diego, Jeb was assigned to the Marine Barracks in Washington, DC. While there, Jeb served as a member of the world famous U.S. Marine Body Bearer section. This small but vital group is composed of marines within one of the ceremonial drill companies at the Marine Barracks.

As a marine in Bravo Company, Jeb was charged with the difficult duty of receiving marines who had been killed in Iraq and Afghanistan. Eventually, Jeb was called to serve in the global war on terror, and in February 2007, he deployed to Al Anbar Province in western Iraq. While in Al Anbar, Jeb and his fellow marines performed missions that included month-long hikes up the Euphrates River searching for weapons caches and fallen marines. They also performed foot patrols in cities across Al Anbar including Fallujah and Hit. By all accounts Jeb and his fellow marines greatly contributed to the mission of increasing peace and stability for the Iraqi people.

Jeb returned from Iraq at the end of 2007 to his strong and supportive family and finished the rest of his military service at Camp Lejeune. I am proud to have citizens like Jeb from the State of Arkansas who so valiantly and honorably serve this Nation.

I had the pleasure of having breakfast with Jeb before he deployed to Iraq, and I was truly inspired and impressed by his commitment and duty to our country. It is with great thanks that I commend Corporal Neel for his service. Today, Jeb leaves the Marine Corps and moves on to do other great things with his life. I think we should all take this opportunity to recognize what our service men and women like Jeb Neel sacrifice for this great Nation. I thank him for his service.•

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.)

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. DORGAN, from the Committee on Indian Affairs, without amendment:

S. 310. A bill to express the policy of the United States regarding the United States relationship with Native Hawaiians and to provide a process for the recognition by the United States of the Native Hawaiian governing entity (Rept. No. 110–260).

By Mr. INOUYE, from the Committee on Commerce, Science, and Transportation, with amendments:

S. 1892. A bill to reauthorize the Coast Guard for fiscal year 2008, and for other purposes (Rept. No. 110–261).

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. DEMINT:

S. 2592. A bill to amend the Internal Revenue Code of 1986 to provide for permanent tax incentives for economic growth; to the Committee on Finance.

By Mr. BINGAMAN (for himself, Mr. DOMENICI, Mrs. FEINSTEIN, Mr. ALLARD, Mr. WYDEN, Mr. SALAZAR, Ms. CANTWELL, Mr. CRAIG, Mr. AKAKA, and Mr. CRAPO):

S. 2593. A bill to establish a program at the Forest Service and the Department of the Interior to carry out collaborative ecological restoration treatments for priority forest landscapes on public land, and for other purposes; to the Committee on Energy and Natural Resources.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mrs. DOLE:

S. Res. 443. A resolution designating February 2008 as ''Go Direct Month''; considered and agreed to.

ADDITIONAL COSPONSORS

S. 573

At the request of Ms. STABENOW, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 573, a bill to amend the Federal Food, Drug, and Cosmetic Act and the Public Health Service Act to improve the prevention, diagnosis, and treatment of heart disease, stroke, and other cardiovascular diseases in women.

S. 625

At the request of Mr. KENNEDY, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 625, a bill to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products.

S. 626

At the request of Mr. KENNEDY, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 626, a bill to amend the Public Health Service Act to provide for arthritis research and public health, and for other purposes.

S. 836

At the request of Mr. LAUTENBERG, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 836, a bill to amend the Federal Water Pollution Control Act to authorize appropriations for sewer overflow control grants.

S. 911

At the request of Mr. REED, the names of the Senator from Virginia (Mr. WEBB) and the Senator from Washington (Ms. CANTWELL) were added as cosponsors of S. 911, a bill to amend the Public Health Service Act to advance medical research and treatments into pediatric cancers, ensure patients and families have access to the current treatments and information regarding pediatric cancers, establish a population-based national childhood cancer database, and promote public awareness of pediatric cancers.

S. 1335

At the request of Mr. INHOFE, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 1335, a bill to amend title 4, United States Code, to declare English as the official language of the Government of the United States, and for other purposes.

S. 1411

At the request of Mr. LAUTENBERG, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 1411, a bill to amend the Clean Air Act to establish within the Environmental Protection Agency an office to measure and report on greenhouse gas emissions of Federal agencies.

S. 1576

At the request of Mr. KENNEDY, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 1576, a bill to amend the Public Health Service Act to improve the health and healthcare of racial and ethnic minority groups.

S. 1661

At the request of Mr. DORGAN, the names of the Senator from New Jersey

(Mr. MENENDEZ) and the Senator from Maryland (Mr. CARDIN) were added as cosponsors of S. 1661, a bill to communicate United States travel policies and improve marketing and other activities designed to increase travel in the United States from abroad.

S. 1843

At the request of Mr. KENNEDY, the name of the Senator from Virginia (Mr. WEBB) was added as a cosponsor of S. 1843, a bill to amend title VII of the Civil Rights Act of 1964 and the Age Discrimination in Employment Act of 1967 to clarify that an unlawful practice occurs each time compensation is paid pursuant to a discriminatory compensation decision or other practice, and for other purposes.

S. 1906

At the request of Mr. COLEMAN, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 1906, a bill to understand and comprehensively address the oral health problems associated with methamphetamine use.

S. 2071

At the request of Mrs. FEINSTEIN, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 2071, a bill to enhance the ability to combat methamphetamine.

S. 2173

At the request of Mr. HARKIN, the name of the Senator from Nevada (Mr. ENSIGN) was added as a cosponsor of S. 2173, a bill to amend the Elementary and Secondary Education Act of 1965 to improve standards for physical education.

S. 2314

At the request of Mr. SALAZAR, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 2314, a bill to amend the Internal Revenue Code of 1986 to make geothermal heat pump systems eligible for the energy credit and the residential energy efficient property credit, and for other purposes.

S. 2368

At the request of Mr. PRYOR, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 2368, a bill to provide immigration reform by securing America's borders, clarifying and enforcing existing laws, and enabling a practical employer verification program.

S. 2408

At the request of Mr. KERRY, the name of the Senator from Tennessee (Mr. ALEXANDER) was added as a cosponsor of S. 2408, a bill to amend title XVIII of the Social Security Act to require physician utilization of the Medicare electronic prescription drug program.

S. 2433

At the request of Mr. LUGAR, his name was added as a cosponsor of S. 2433, a bill to require the President to develop and implement a comprehensive strategy to further the United States foreign policy objective of promoting the reduction of global poverty, the elimination of extreme global poverty, and the achievement of the Millennium Development Goal of reducing by one-half the proportion of people worldwide, between 1990 and 2015, who live on less than $1 per day.

S. 2550

At the request of Mrs. HUTCHISON, the names of the Senator from Washington (Mrs. MURRAY) and the Senator from Tennessee (Mr. ALEXANDER) were added as cosponsors of S. 2550, a bill to amend title 38, United States Code, to prohibit the Secretary of Veterans Affairs from collecting certain debts owed to the United States by members of the Armed Forces and veterans who die as a result of an injury incurred or aggravated on active duty in a combat zone, and for other purposes.

S. 2559

At the request of Mr. DODD, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 2559, a bill to amend title II of the Social Security Act to increase the level of earnings under which no individual who is blind is determined to have demonstrated an ability to engage in substantial gainful activity for purposes of determining disability.

S. 2561

At the request of Mr. REID, the name of the Senator from Nevada (Mr. ENSIGN) was added as a cosponsor of S. 2561, a bill to require the Secretary of the Interior to conduct a theme study to identify sites and resources to commemorate and interpret the Cold War.

S. 2566

At the request of Mr. ISAKSON, the names of the Senator from Tennessee (Mr. CORKER), the Senator from Alaska (Ms. MURKOWSKI), the Senator from Kansas (Mr. ROBERTS) and the Senator from New Hampshire (Mr. SUNUNU) were added as cosponsors of S. 2566, a bill to amend the Internal Revenue Code of 1986 to provide a Federal income tax credit for certain home purchases.

S. 2577

At the request of Mr. LAUTENBERG, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 2577, a bill to establish background check procedures for gun shows.

S. 2578

At the request of Mr. COLEMAN, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 2578, a bill to temporarily delay application of proposed changes to Medicaid payment rules for case management and targeted case management services.

S. RES. 432

At the request of Mr. LUGAR, the names of the Senator from North Carolina (Mr. BURR), the Senator from Nebraska (Mr. HAGEL), the Senator from Ohio (Mr. VOINOVICH), the Senator from Georgia (Mr. ISAKSON), the Senator from North Carolina (Mrs. DOLE), the Senator from Minnesota (Mr. COLEMAN), the Senator from New Hampshire (Mr. SUNUNU) and the Senator from Vermont (Mr. LEAHY) were added as cosponsors of S. Res. 432, a resolution urging the international community to provide the United Nations-African Union Mission in Sudan with essential tactical and utility helicopters.

At the request of Mr. BIDEN, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. Res. 432, supra.

S. RES. 434

At the request of Mr. BIDEN, the names of the Senator from Indiana (Mr. BAYH) and the Senator from Georgia (Mr. ISAKSON) were added as cosponsors of S. Res. 434, a resolution designating the week of February 10–16, 2008, as ''National Drug Prevention and Education Week''.

AMENDMENT NO. 3938

At the request of Mr. BOND, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of amendment No. 3938 proposed to S. 2248, an original bill to amend the Foreign Intelligence Surveillance Act of 1978, to modernize and streamline the provisions of that Act, and for other purposes.

AMENDMENT NO. 3941

At the request of Mr. BOND, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of amendment No. 3941 proposed to S. 2248, an original bill to amend the Foreign Intelligence Surveillance Act of 1978, to modernize and streamline the provisions of that Act, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BINGAMAN (for himself, Mr. DOMENICI, Mrs. FEINSTEIN, Mr. ALLARD, Mr. WYDEN, Mr. SALAZAR, Ms. CANTWELL, Mr. CRAIG, Mr. AKAKA, and Mr. CRAPO):

S. 2593. A bill to establish a program at the Forest Service and the Department of the Interior to carry out collaborative ecological restoration treatments for priority forest landscapes on public land, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. BINGAMAN. Mr. President, today, I am introducing the Forest Landscape Restoration Act. I developed this bill with Senators DOMENICI and FEINSTEIN, and I am pleased they have joined as cosponsors. The bill also is cosponsored by Senators ALLARD, WYDEN, SALAZAR, CANTWELL, CRAIG, AKAKA, and CRAPO. I also am pleased that Chairman GRIJALVA will be introducing a companion bill in the House of Representatives, and I look forward to working with him as his subcommittee in the Natural Resources Committee moves forward with the bill.

The bill establishes a program to select and fund projects that restore forests at a landscape scale through a

process that encourages collaboration, relies on the best available science, facilitates local economic development, and leverages local funds with national and private funding.

As many of my colleagues know, we are facing serious forest health and wildfire challenges in many of our National Forests. A century of over-aggressive fire suppression, logging, and other land uses have significantly deteriorated entire landscapes. These conditions have played an important role in the extraordinary wildfires and insect-caused mortality we have seen on millions of acres of National Forest and other lands. To address these problems, it is critical to begin trying to restore our forests at a landscape scale.

Landscape-scale restoration is important because, first, it is key to controlling wildfire suppression costs, which is one of the issues that is emphasized in our bill. Wildland fire appropriations have more than tripled in the last decade, and we are now spending billions every year trying to suppress fires. We will not be able to get control of the ballooning costs of fire suppression until we can allow more fires to play their natural, beneficial role in restoring and maintaining healthy, fire-resilient forests. But that will not be possible until we can reduce hazardous fuels and the risk of unnaturally intense fire on a landscape scale.

So, our bill will help to reduce wildfire suppression costs through forest restoration.

Second, landscape-scale restoration is an important component of successful economic development, another issue we have emphasized in our bill. In many cases, forest restoration will not be fiscally viable unless we can put the byproducts of restoration to economic use. Large-scale forest restoration efforts can help to provide economies of scale, and long-term efforts can help to provide entrepreneurs with the confidence that encourages investment and initiative.

So, our bill will help to make the restoration economy a reality by facilitating the use of restoration byproducts.

Third, landscape restoration is necessary for the health of many of our forest ecosystems, which also is emphasized in our bill. We need healthy landscapes for a clean, abundant, and controlled water supply. We need them for clean air and carbon sequestration. We need them to support fish and wildlife. And we need healthy forest ecosystems if they are to have a chance to survive the pressures of climate change. Fire suppression and other land uses have caused entire forest landscapes to deteriorate, and we cannot reverse that deterioration without landscape-level restoration.

So, our bill provides a unique program to conduct comprehensive ecosystem restoration through landscape-scale treatments.

Our bill also builds upon the existing successes in forest restoration by requiring collaboration and the best available science to form the foundation for landscape restoration.

Despite the importance of landscape-scale restoration, neither the National Fire Plan, nor the Healthy Forests Restoration Act, nor any of our other efforts have been very successful in facilitating restoration and hazardous fuels reduction on landscape scales. A lack of sufficient funding is one of the primary reasons. Restoring landscapes takes a significant amount of funding over a significant period of time. That has proven to be beyond the capacity of the local and regional agency budgets.

To address this problem, the Forest Landscape Restoration Act authorizes $40 million per year for 10 years to be paid into a national pool. Eligible landscape restoration projects from around the country would compete for a portion of that money. Forty million dollars is not nearly enough money to fund landscape-scale treatments in all of the forest landscapes in need of restoration, but it is a realistic amount of funding, and it is enough to make landscape-scale restoration a reality.

Because of funding and other challenges, landscape-scale restoration remains largely theoretical. As a result, this legislation is designed to be both practical and experimental. It does not redirect existing efforts. It instead adds to existing efforts by creating a program that will make planning, funding, and carrying out at least a handful of landscape-scale forest restoration projects possible. If it is successful—and I think it will be—we can expand it in the future.

I would again like to thank Senators DOMENICI and FEINSTEIN and the other cosponsors of the bill. I appreciate the stakeholders who have written to support this bill, including the Nature Conservancy—which has been very supportive of our effort—American Forests, the Forest Guild, Sustainable Northwest, the Watershed Research and Training Center, and Conservation Northwest. I look forward to working with them and the many other stakeholders as we move forward with the bill.

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. 2593

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 ''Forest Landscape Restoration Act of 2008''.

SEC. 2. PURPOSE.

The purpose of this Act is to encourage the collaborative, science-based ecosystem restoration of priority forest landscapes through a process that—

(1) encourages ecological, economic, and social sustainability;

(2) leverages local resources with national and private resources;

(3) facilitates the reduction of wildfire management costs, including through reestablishing natural fire regimes and reducing the risk of uncharacteristic wildfire; and

(4) demonstrates the degree to which—

(A) various ecological restoration techniques—

(i) achieve ecological health objectives; and

(ii) affect wildfire activity and management costs; and

(B) the use of forest restoration byproducts can offset treatment costs while benefitting rural economies and improving forest health.

SEC. 3. DEFINITIONS.

In this Act:

(1) FUND.—The term ''Fund'' means the Collaborative Forest Landscape Restoration Fund established by section 4(f).

(2) PLAN.—The term ''Plan'' means the plan entitled the ''10 Year Comprehensive Strategy Implementation Plan'' and dated December 2006.

(3) PROGRAM.—The term ''program'' means the Collaborative Forest Landscape Restoration Program established under section 4(a).

(4) SECRETARY.—The term ''Secretary'' means the Secretary of Agriculture, acting through the Chief of the Forest Service.

SEC. 4. COLLABORATIVE FOREST LANDSCAPE RESTORATION PROGRAM.

(a) IN GENERAL.—The Secretary, in consultation with the Secretary of the Interior, shall establish a Collaborative Forest Landscape Restoration Program to select and fund ecological restoration treatments for priority forest landscapes in accordance with applicable law.

(b) ELIGIBILITY CRITERIA.—To be eligible for nomination under subsection (c), a collaborative forest landscape restoration proposal shall—

(1) be based on a landscape restoration strategy that—

(A) is complete or substantially complete;

(B) identifies and prioritizes ecological restoration treatments for a 10-year period across a landscape that is—

(i) at least 50,000 acres;

(ii) comprised primarily of forested National Forest System land, but may also include other Federal, State, tribal, or private land;

(iii) in need of active ecosystem restoration; and

(iv) accessible by existing or proposed wood-processing infrastructure at an appropriate scale to use woody biomass and small-diameter wood removed in ecological restoration treatments;

(C) incorporates—

(i) the best available science and scientific application tools in ecological restoration strategies; and

(ii) the requirements for old-growth maintenance, restoration, and management direction of paragraphs (2), (3), and (4) of subsection (e) and the requirements for large-tree retention of subsection (f) of section 102 of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6512); and

(D) does not include the establishment of permanent roads;

(2) be developed and implemented through a collaborative process that—

(A) includes multiple stakeholders representing diverse interests;

(B)(i) is transparent and nonexclusive; or

(ii) meets the requirements for a resource advisory committee under section 205 of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 500 note; Public Law 106–393); and

(C) has an established record of successful planning and implementation of ecological restoration projects on National Forest System land;

(3) describe plans to—

(A) use fire for ecological restoration and maintenance, where appropriate;

(B) improve fish and wildlife habitat, including for endangered, threatened, and sensitive species;

(C) maintain or improve water quality;

(D) prevent, remediate, or control invasions of exotic species;

(E) maintain or decommission roads;

(F) use woody biomass and small-diameter trees produced from projects implementing the landscape restoration strategy;

(G) report annually on performance, including through performance measures from the Plan;

(H) develop small business incubators and provide employment and training opportunities to people in rural communities, including contracts for monitoring activities, through—

(i) local private, nonprofit, or cooperative entities;

(ii) Youth Conservation Corps crews or related partnerships, with State, local, and non-profit youth groups;

(iii) small or micro-businesses; or

(iv) other entities that will hire or train a significant percentage of local people to complete such contracts; and

(I) take into account any applicable community wildfire protection plan (as defined in section 101 of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6511));

(4) analyze the anticipated cost savings resulting from—

(A) reduced wildfire management costs; and

(B) a decrease in the unit costs of implementing ecological restoration treatments over time;

(5) estimate—

(A) the annual Federal funding necessary to implement the proposal; and

(B) the amount of new non-Federal investment for carrying out the proposal that would be leveraged by Federal funding for ecological restoration treatments; and

(6) be subject to any other requirements that the Secretary determines to be necessary for the efficient and effective administration of the program.

(c) NOMINATION PROCESS.—

(1) SUBMISSION.—Collaborative forest landscape restoration proposals shall be submitted to the appropriate Regional Forester for consideration.

(2) NOMINATION.—A Regional Forester may nominate collaborative forest landscape restoration proposals for selection by the Secretary.

(3) DOCUMENTATION.—With respect to each collaborative forest landscape restoration proposal that is nominated under paragraph (2)—

(A) the appropriate Regional Forester shall—

(i) include a proposal to use Federal funds allocated to the region to fund those costs of planning and carrying out ecological restoration treatments on National Forest land consistent with the landscape restoration strategy that would not be covered by amounts transferred to the Secretary from the Fund; and

(ii) provide evidence that amounts proposed to be transferred to the Secretary from the Fund during the first 2 years following selection would be used to carry out ecological restoration treatments consistent with the landscape restoration strategy during the same fiscal year in which the funds are transferred to the Secretary;

(B) if actions under the jurisdiction of the Secretary of the Interior are proposed, the nomination shall require—

(i) the concurrence of the appropriate official of the Department of the Interior; and

(ii) a proposal to fund ecological restoration treatments consistent with the landscape restoration strategy that would be carried out by the Secretary of the Interior; and

(C) if actions on land not under the jurisdiction of the Secretary or the Secretary of the Interior are proposed, the appropriate Regional Forester shall provide evidence that the landowner intends to participate in, and provide appropriate funding to carry out, the actions.

(d) SELECTION PROCESS.—

(1) IN GENERAL.—After consulting with any scientific and technical advisory panels established under subsection (e), the Secretary, in consultation with the Secretary of the Interior, shall, subject to paragraph (2), select the best collaborative forest landscape restoration proposals that—

(A) have been nominated under subsection (c)(2); and

(B) meet the eligibility criteria established by subsection (b).

(2) CRITERIA.—In selecting collaborative forest landscape restoration proposals under paragraph (1), the Secretary shall give special consideration to—

(A) the strength of the ecological case of the proposal for landscape restoration and the proposed restoration strategies;

(B) the strength of the collaborative process;

(C) whether the proposal would reduce the relative costs of carrying out treatments as a result of the use of woody biomass and small-diameter trees;

(D) whether the proposal is likely to achieve reductions in long-term wildfire management costs;

(E) the strength of the landscape restoration proposal and strategy; and

(F) whether an appropriate level of non-Federal investment would be leveraged in carrying out the proposal.

(3) LIMITATION.—The Secretary may select not more than—

(A) 10 collaborative forest landscape restoration proposals to be funded during any given year; and

(B) 2 collaborative forest landscape restoration proposals in any 1 region of the National Forest System to be funded during any given year.

(e) ADVISORY PANELS.—

(1) SCIENTIFIC ADVISORY PANEL.—The Secretary shall establish a scientific advisory panel comprised of not more than 12 experts in ecological forest restoration and fire ecology to evaluate, and provide recommendations on, any proposal that has been nominated under subsection (c)(2) and meets the eligibility criteria established by subsection (b) with respect to—

(A) the strength of the ecological case of the proposal for landscape restoration and the proposed restoration strategies; and

(B) whether the proposal is likely to achieve reductions in long-term wildfire management costs.

(2) TECHNICAL ADVISORY PANEL.—The Secretary may establish a technical advisory panel comprised of experts in rural business development and the use of woody biomass and small-diameter trees to evaluate, and provide recommendations on, any proposal that has been nominated under subsection (c)(2) and meets the eligibility criteria established by subsection (b) with respect to whether the proposal is likely to reduce the relative costs of carrying out treatments as a result of the use of woody biomass and small-diameter trees and provide local economic benefit.

(f) COLLABORATIVE FOREST LANDSCAPE RESTORATION FUND.—

(1) ESTABLISHMENT.—There is established in the Treasury of the United States a fund, to be known as the ''Collaborative Forest Landscape Restoration Fund'', to be used to pay up to 50 percent of the cost of carrying out ecological restoration treatments on National Forest System land for each collaborative forest landscape restoration proposal selected to be carried out under subsection (d), consisting of—

(A) such amounts as are appropriated to the Fund under paragraph (5); and

(B) any interest earned on investment of amounts in the Fund under paragraph (3).

(2) EXPENDITURES FROM FUND.—On request by the Secretary, the Secretary of the Treasury shall transfer from the Fund to the Secretary of Agriculture such amounts as the Secretary of Agriculture determines are necessary to carry out ecological restoration treatments under paragraph (1).

(3) INVESTMENT OF AMOUNTS.—

(A) IN GENERAL.—The Secretary of the Treasury shall invest such portion of the Fund as is not, in the judgment of the Secretary of the Treasury, after consulting with the Secretary, required to meet current withdrawals.

(B) INTEREST-BEARING OBLIGATIONS.—Investments may be made only in interest-bearing obligations of the United States.

(C) ACQUISITION OF OBLIGATIONS.—For the purpose of investments under subparagraph (A), obligations may be acquired—

(i) on original issue at the issue price; or

(ii) by purchase of outstanding obligations at the market price.

(D) SALE OF OBLIGATIONS.—Any obligation acquired by the Fund may be sold by the Secretary of the Treasury at the market price.

(E) CREDITS TO FUND.—The interest on, and the proceeds from the sale or redemption of, any obligations held in the Fund shall be credited to and form a part of the Fund.

(4) ACCOUNTING AND REPORTING SYSTEM.—The Secretary shall establish an accounting and reporting system for the Fund.

(5) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Fund $40,000,000 for each of fiscal years 2008 through 2018, to remain available until expended.

(g) PROGRAM IMPLEMENTATION AND MONITORING.—

(1) WORK PLAN.—Not later than 180 days after the date on which a collaborative forest landscape restoration proposal is selected to be carried out, the Secretary shall create, in collaboration with the interested stakeholders, an implementation work plan and budget to implement the collaborative forest landscape restoration proposal that includes—

(A) a description of the manner in which the proposal would be implemented to achieve ecological and community economic benefit, including capacity building to accomplish restoration;

(B) a business plan that addresses—

(i) the anticipated unit treatment cost reductions over 10 years;

(ii) the anticipated costs for infrastructure needed for the proposal;

(iii) the projected sustainability of the supply of woody biomass and small-diameter trees removed in ecological restoration treatments; and

(iv) the projected local economic benefits of the proposal; and

(C) documentation of the non-Federal investment in the priority landscape, including the sources and uses of the investments.

(2) PROJECT IMPLEMENTATION.—Amounts transferred to the Secretary from the Fund shall be used to carry out ecological restoration treatments that are—

(A) consistent with the landscape restoration proposal and strategy; and

(B) identified through the collaborative process described in subsection (b)(2).

(3) ANNUAL REPORT.—Annually, the Secretary, in collaboration with the Secretary

of the Interior and interested stakeholders, shall prepare a report on the accomplishments of each selected collaborative forest landscape restoration proposal that includes—

(A) a description of all acres (or other appropriate unit) treated and restored through projects implementing the landscape restoration strategy;

(B) an evaluation of progress, including performance measures and how prior year evaluations have contributed to improved project performance;

(C) a description of community benefits achieved, including any local economic benefits;

(D) the results of the multiparty monitoring, evaluation, and accountability process under paragraph (4); and

(E) a summary of the costs of—

(i) treatments; and

(ii) relevant fire management activities.

(4) MULTIPARTY MONITORING.—The Secretary shall, in collaboration with the Secretary of the Interior and interested stakeholders, use a multiparty monitoring, evaluation, and accountability process to assess the positive or negative ecological, social, and economic effects of each project implementing a selected collaborative forest landscape restoration proposal for not less than 15 years after project implementation commences.

(h) REPORT.—Not later than 5 years after the first fiscal year in which funding is made available to carry out ecological restoration projects under the program, and every 5 years thereafter, the Secretary, in consultation with the Secretary of the Interior, shall submit a report on the program, including an assessment of whether, and to what extent, the program is fulfilling the purposes of this Act, to—

(1) the Committee on Energy and Natural Resources of the Senate;

(2) the Committee on Appropriations of the Senate;

(3) the Committee on Natural Resources of the House of Representatives; and

(4) the Committee on Appropriations of the House of Representatives.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 443—DESIGNATING FEBRUARY 2008 AS ''GO DIRECT MONTH''

Mrs. DOLE submitted the following resolution; which was considered and agreed to:

S. RES. 443

Whereas, in fiscal year 2007, nearly 60,000 checks issued by the Department of the Treasury, worth approximately $56,000,000, were endorsed by forgery;

Whereas the Department of the Treasury receives approximately 1,400,000 inquiries each year regarding problems with paper checks;

Whereas, each month, nearly 12,000,000 social security and other Federal benefit payments are made with checks;

Whereas the United States would generate approximately $132,000,000 in annual savings if all Federal benefit checks were paid by direct deposit;

Whereas the use of direct deposit is a more secure, reliable, and cost-effective method of payment than paper checks because the use of direct deposit—

(1) helps protect against identity theft and fraud;

(2) provides easier access to funds during emergencies and natural disasters; and

(3) provides the people of the United States with more control over their money;

Whereas the Department of the Treasury and the Federal Reserve Banks have launched Go Direct, a national campaign to motivate people who receive Federal benefit payments to use direct deposit to receive those payments;

Whereas Go Direct works with more than 1,100 partners across the Nation, including financial institutions, advocacy groups, and community organizations;

Whereas more than 130 financial institutions representing 25,000 branches nationwide participated in the 2007 ''Go Direct Champions'' competition to encourage the use of direct deposit among people who receive Federal benefit payments; and

Whereas more than 1,600,000 people in the United States have switched from paper checks to direct deposit to receive Federal benefit payments since Go Direct launched in the fall of 2004: Now, therefore, be it

Resolved, That the Senate—

(1) designates February 2008 as ''Go Direct Month'';

(2) supports the goals and ideals of the Go Direct campaign;

(3) commends Federal, State, and local governments, nonprofit agencies, and the private sector for promoting February as Go Direct Month; and

(4) encourages people in the United States who are eligible to receive social security or other Federal benefit payments to—

(A) participate in events and awareness initiatives held during the month of February with respect to using direct deposit;

(B) become informed about the convenience and safety of direct deposit; and

(C) consider signing up for direct deposit of social security or other Federal benefit payments.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3980. Mr. VITTER (for himself and Mr. DEMINT) submitted an amendment intended to be proposed by him to the bill H.R. 5140, to provide economic stimulus through recovery rebates to individuals, incentives for business investment, and an increase in conforming and FHA loan limits; which was ordered to lie on the table.

SA 3981. Mr. VITTER (for himself and Mr. DEMINT) submitted an amendment intended to be proposed by him to the bill H.R. 5140, supra; which was ordered to lie on the table.

SA 3982. Mr. DORGAN submitted an amendment intended to be proposed by him to the bill H.R. 5140, supra; which was ordered to lie on the table.

SA 3983. Mr. REID proposed an amendment to the bill H.R. 5140, supra.

SA 3984. Mr. REID proposed an amendment to amendment SA 3983 proposed by Mr. REID to the bill H.R. 5140, supra.

SA 3985. Mr. REID proposed an amendment to the bill H.R. 5140, supra.

SA 3986. Mr. REID proposed an amendment to amendment SA 3985 proposed by Mr. REID to the bill H.R. 5140, supra.

SA 3987. Mr. REID proposed an amendment to amendment SA 3986 proposed by Mr. REID to the amendment SA 3985 proposed by Mr. REID to the bill H.R. 5140, supra.

SA 3988. Mr. REID (for Mr. LIEBERMAN) proposed an amendment to the bill S. 2457, to provide for extensions of leases of certain land by Mashantucket Pequot (Western) Tribe.

TEXT OF AMENDMENTS

SA 3980. Mr. VITTER (for himself and Mr. DEMINT) submitted an amendment intended to be proposed by him to the bill H.R. 5140, to provide economic stimulus through recovery rebates to individuals, incentives for business investment, and an increase in conforming and FHA loan limits; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. ESTATE TAX REPEAL MADE PERMANENT.

Section 901 of the Economic Growth and Tax Relief Reconciliation Act of 2001 shall not apply to title V of such Act.

SA 3981. Mr. VITTER (for himself and Mr. DEMINT) submitted an amendment intended to be proposed by him to the bill H.R. 5140, to provide economic stimulus through recovery rebates to individuals, incentives for business investment, and an increase in conforming and FHA loan limits; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. SMALLER PUBLIC COMPANY OPTION REGARDING INTERNAL CONTROL PROVISIONS.

Section 404 of the Sarbanes-Oxley Act of 2002 (15 U.S.C. 7262) is amended by adding at the end the following:

''(c) SMALLER PUBLIC COMPANY OPTION.—

''(1) VOLUNTARY COMPLIANCE.—A smaller issuer shall not be subject to the requirements of subsection (a), unless the smaller issuer voluntarily elects to comply with such requirements, in accordance with regulations prescribed by the Commission. Any smaller issuer that does not elect to comply with subsection (a) shall state such election, together with the reasons therefor, in its annual report to the Commission under section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m or 78o(d)).

''(2) DEFINITION OF SMALLER ISSUER.—

''(A) IN GENERAL.—For purposes of this subsection, and subject to subparagraph (B), the term 'smaller issuer' means an issuer for which an annual report is required by section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m or 78o(d)), that—

''(i) has a total market capitalization at the beginning of the relevant reporting period of less than $700,000,000;

''(ii) has total product and services revenue for that reporting period of less than $125,000,000; or

''(iii) has, at the beginning of the relevant reporting period, fewer than 1,500 record beneficial holders.

''(B) ANNUAL ADJUSTMENTS.—The amounts referred to in clauses (i) and (ii) of subparagraph (A) shall be adjusted annually to account for changes in the Consumer Price Index for all urban consumers, United States city average, as published by the Bureau of Labor Statistics.''.

SA 3982. Mr. DORGAN submitted an amendment intended to be proposed by him to the bill H.R. 5140, to provide economic stimulus through recovery rebates to individuals, incentives for business investment, and an increase in conforming and FHA loan limits; which was ordered to lie on the table; as follows:

On page ____, between lines ____ and ____, insert the following:

''(5) MESSAGE ON ADVANCE REFUND CHECK.—The Secretary shall display prominently the

message ''Support Our Economy—Buy American!'' on any advance refund check issued under this section.

SA 3983. Mr. REID proposed an amendment to the bill H.R. 5140, to provide economic stimulus through recovery rebates to individuals, incentives for business investment, and an increase in conforming and FHA loan limits; as follows:

Strike all after the first word and and insert the following:

1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Economic Stimulus Act of 2008''.

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

Sec. 1. Short title; table of contents.

TITLE I—TAX RELIEF

Subtitle A—Rebates for Individuals

Sec. 101. Economic recovery stimulus credit and rebate.

Subtitle B—Incentives for Businesses

Sec. 111. Temporary bonus depreciation allowance for certain property.
Sec. 112. Increased expensing for small businesses for 2008.
Sec. 113. Carryback of certain net operating losses allowed for 5 years; temporary suspension of 90 percent AMT limit.

Subtitle C—Extensions of Energy Provisions

Sec. 121. Extension of credit for energy efficient appliances.
Sec. 122. Extension of credit for nonbusiness energy property.
Sec. 123. Suspension of taxable income limit with respect to marginal wells.
Sec. 124. Extension of credit for residential energy efficient property.
Sec. 125. Extension of renewable electricity and refined coal production credit.
Sec. 126. Extension of new energy efficient home credit.
Sec. 127. Extension of energy credit.
Sec. 128. Extension and modification of credit for clean renewable energy bonds.
Sec. 129. Extension of energy efficient commercial buildings deduction.
Sec. 130. Special rules for refund of the coal excise tax to certain coal producers and exporters.

Subtitle D—Provisions Relating to Housing Bonds

Sec. 131. Modifications on use of qualified mortgage bonds; temporary increased volume cap for certain housing bonds.

TITLE II—HOUSING GSE AND FHA LOAN LIMITS

Sec. 201. Temporary conforming loan limit increase for Fannie Mae and Freddie Mac.
Sec. 202. Temporary loan limit increase for FHA.

TITLE III—TEMPORARY EXTENDED UNEMPLOYMENT COMPENSATION

Sec. 301. Federal-State agreements.
Sec. 302. Temporary extended unemployment compensation account.
Sec. 303. Payments to States having agreements for the payment of temporary extended unemployment compensation.
Sec. 304. Financing provisions.
Sec. 305. Fraud and overpayments.
Sec. 306. Definitions.
Sec. 307. Applicability.

TITLE IV—LOW-INCOME HOME ENERGY ASSISTANCE

Sec. 401. Low-income home energy assistance program.

TITLE V—EMERGENCY DESIGNATION OF APPROPRIATED AMOUNTS

Sec. 501. Emergency designation.

TITLE I—TAX RELIEF

Subtitle A—Rebates for Individuals

SEC. 101. ECONOMIC RECOVERY STIMULUS CREDIT AND REBATE.

(a) IN GENERAL.—Section 6428 of the Internal Revenue Code of 1986 is amended to read as follows:

''SEC. 6428. ECONOMIC STIMULUS CREDIT FOR 2008.

''(a) IN GENERAL.—In the case of an eligible individual who is a taxpayer who meets the requirements of subsection (b), there shall be allowed as a credit against the tax imposed by subtitle A for the first taxable year beginning in 2008 an amount equal to the sum of—

''(1) $500 ($1,000 in the case of a joint return), plus

''(2) the product of $300 multiplied by the number of qualifying children (within the meaning of section 24(c)) of the taxpayer.

''(b) REQUIREMENTS.—An eligible individual meets the requirements of this subsection if the taxpayer—

''(1) has qualifying income of at least $3,000, or

''(2) has—

''(A) net income tax liability which is greater than zero, and

''(B) gross income which is greater than the sum of the basic standard deduction plus the exemption amount (twice the exemption amount in the case of a joint return).

''(c) TREATMENT OF CREDIT.—The credit allowed by subsection (a) shall be treated as allowed by subpart C of part IV of subchapter A of chapter 1.

''(d) LIMITATION BASED ON ADJUSTED GROSS INCOME.—The amount of the credit allowed by subsection (a) (determined without regard to this subsection and subsection (f)) shall be reduced (but not below zero) by 5 percent of so much of the taxpayer's adjusted gross income as exceeds $150,000 ($300,000 in the case of a joint return).

''(e) DEFINITIONS.—For purposes of this section—

''(1) QUALIFYING INCOME.—For purposes of paragraph (1), the term 'qualifying income' means—

''(A) earned income,

''(B) social security benefits (within the meaning of section 86(d)), and

''(C) any compensation or pension received under chapter 11 or chapter 15 of title 38, United States Code.

''(2) NET INCOME TAX LIABILITY.—The term 'net income tax liability' means the excess of—

''(A) the sum of the taxpayer's regular tax liability (within the meaning of section 26(b)) and the tax imposed by section 55 for the taxable year, over

''(B) the credits allowed by part IV (other than section 24 and subpart C thereof) of subchapter A of chapter 1.

''(3) ELIGIBLE INDIVIDUAL.—The term 'eligible individual' means any individual other than—

''(A) any nonresident alien individual,

''(B) any individual with respect to whom a deduction under section 151 is allowable to another taxpayer for a taxable year beginning in the calendar year in which the individual's taxable year begins,

''(C) an estate or trust, and

''(D) any individual who is a Senator or Representative in, or Delegate or Resident Commissioner to, Congress.

''(4) EARNED INCOME.—The term 'earned income' has the meaning set forth in section 32(c)(2), except that—

''(A) subclause (II) of subparagraph (B)(vi) thereof shall be applied by substituting 'January 1, 2009' for 'January 1, 2008', and

''(B) such term shall not include net earnings from self-employment which are not taken into account in computing taxable income.

''(5) BASIC STANDARD DEDUCTION; EXEMPTION AMOUNT.—The terms 'basic standard deduction' and 'exemption amount' shall have the same respective meanings as when used in section 6012(a).

''(f) COORDINATION WITH ADVANCE REFUNDS OF CREDIT.—

''(1) IN GENERAL.—The amount of credit which would (but for this paragraph) be allowable under this section shall be reduced (but not below zero) by the aggregate refunds and credits made or allowed to the taxpayer under subsection (g). Any failure to so reduce the credit shall be treated as arising out of a mathematical or clerical error and assessed according to section 6213(b)(1).

''(2) JOINT RETURNS.—In the case of a refund or credit made or allowed under subsection (g) with respect to a joint return, half of such refund or credit shall be treated as having been made or allowed to each individual filing such return.

''(g) ADVANCE REFUNDS AND CREDITS.—

''(1) IN GENERAL.—Each individual who was an eligible individual who was a taxpayer who met the requirements of subsection (b) for such individual's first taxable year beginning in 2007 shall be treated as having made a payment against the tax imposed by chapter 1 for such first taxable year in an amount equal to the advance refund amount for such taxable year.

''(2) ADVANCE REFUND AMOUNT.—For purposes of paragraph (1), the advance refund amount is the amount that would have been allowed as a credit under this section for such first taxable year if this section (other than subsection (f) and this subsection) had applied to such taxable year.

''(3) TIMING OF PAYMENTS.—The Secretary shall, subject to the provisions of this title, refund or credit any overpayment attributable to this section as rapidly as possible. No refund or credit shall be made or allowed under this subsection after December 31, 2008.

''(4) NO INTEREST.—No interest shall be allowed on any overpayment attributable to this section.

''(h) IDENTIFICATION NUMBER REQUIREMENT.—

''(1) IN GENERAL.—No credit shall be allowed under subsection (a) to an eligible individual who does not include on the return of tax for the taxable year—

''(A) such individual's valid identification number,

''(B) in the case of a joint return, the valid identification number of such individual's spouse, and

''(C) in the case of any qualifying child taken into account under subsection (a)(2), the valid identification number of such qualifying child.

''(2) VALID IDENTIFICATION NUMBER.—For purposes of paragraph (1), the term 'valid identification number' means a social security number issued to an individual by the Social Security Administration. Such term shall not include a TIN issued by the Internal Revenue Service.

''(i) REFUNDS DISREGARDED IN THE ADMINISTRATION OF FEDERAL PROGRAMS AND FEDERALLY ASSISTED PROGRAMS.—Any payment considered to have been made to any individual by reason of this section shall not be taken into account as income and shall not be taken into account as resources for the month of the receipt and the following 2 months, for purposes of determining the eligibility of such individual or any other individual for benefits or assistance, or the amount or extent of benefits or assistance, under any Federal program or under any

State or local program financed in whole or in part with Federal funds.''.

(b) TREATMENT OF POSSESSIONS.—

(1) MIRROR CODE POSSESSION.—The Secretary of the Treasury shall make a payment to each possession of the United States with a mirror code tax system in an amount equal to the loss to that possession by reason of the amendments made by this section. Such amount shall be determined by the Secretary of the Treasury based on information provided by the government of the respective possession.

(2) OTHER POSSESSIONS.—The Secretary of the Treasury shall make a payment to each possession of the United States which does not have a mirror code tax system in an amount estimated by the Secretary of the Treasury as being equal to the aggregate benefits that would have been provided to residents of such possession by reason of the amendments made by this section if a mirror code tax system had been in effect in such possession. The preceding sentence shall not apply with respect to any possession of the United States unless such possession has a plan, which has been approved by the Secretary of the Treasury, under which such possession will promptly distribute such payment to the residents of such possession.

(3) DEFINITIONS AND SPECIAL RULES.—

(A) POSSESSION OF THE UNITED STATES.—For purposes of this subsection, the term ''possession of the United States'' includes the Commonwealth of Puerto Rico and the Commonwealth of the Northern Mariana Islands.

(B) MIRROR CODE TAX SYSTEM.—For purposes of this subsection, the term ''mirror code tax system'' means, with respect to any possession of the United States, the income tax system of such possession if the income tax liability of the residents of such possession under such system is determined by reference to the income tax laws of the United States as if such possession were the United States.

(C) TREATMENT OF PAYMENTS.—For purposes of section 1324(b)(2) of title 31, United States Code, the payments under this subsection shall be treated in the same manner as a refund due from the credit allowed under section 6428 of the Internal Revenue Code of 1986 (as added by this section).

(c) ADMINISTRATIVE AMENDMENTS.—

(1) DEFINITION OF DEFICIENCY.—Section 6211(d)(4)(A) of the Internal Revenue Code of 1986 is amended by striking ''and 53(e)'' and inserting ''53(e), and 6428''.

(2) MATHEMATICAL OR CLERICAL ERROR AUTHORITY.—Section 6213(g)(2)(L) of such Code is amended by striking ''or 32'' and inserting ''32, or 6428''.

(d) APPROPRIATIONS TO CARRY OUT RECOVERY REBATES.—

(1) IN GENERAL.—Immediately upon the enactment of this Act, the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2008:

(A) For an additional amount for ''Department of the Treasury—Financial Management Service—Salaries and Expenses'', $64,175,000, to remain available until September 30, 2009.

(B) For an additional amount for ''Department of the Treasury—Internal Revenue Service—Taxpayer Services'', $50,720,000, to remain available until September 30, 2009.

(C) For an additional amount for ''Department of the Treasury—Internal Revenue Service—Operations Support'', $151,415,000, to remain available until September 30, 2009.

(2) REPORTS.—No later than 15 days after enactment of this Act, the Secretary of the Treasury shall submit a plan to the Committees on Appropriations of the House of Representatives and the Senate detailing the expected use of the funds provided by this subsection. Beginning 90 days after enactment of this Act, the Secretary of the Treasury shall submit a quarterly report to the Committees on Appropriations of the House of Representatives and the Senate detailing the actual expenditure of funds provided by this subsection and the expected expenditure of such funds in the subsequent quarter.

(e) CONFORMING AMENDMENTS.—

(1) Paragraph (2) of section 1324(b) of title 31, United States Code, is amended by inserting ''or 6428'' after ''section 35''.

(2) Paragraph (1) of section 1(i) of the Internal Revenue Code of 1986 is amended by striking subparagraph (D).

(3) The item relating to section 6428 in the table of sections for subchapter B of chapter 65 of such Code is amended to read as follows:

''Sec. 6428. Economic stimulus credit for 2008.''.

Subtitle B—Incentives for Businesses

SEC. 111. TEMPORARY BONUS DEPRECIATION ALLOWANCE FOR CERTAIN PROPERTY.

(a) IN GENERAL.—Subsection (k) of section 168 of the Internal Revenue Code of 1986 is amended to read as follows:

''(k) SPECIAL ALLOWANCE FOR CERTAIN PROPERTY.—

''(1) ADDITIONAL ALLOWANCE.—

''(A) IN GENERAL.—In the case of any qualified property placed in service by an eligible taxpayer—

''(i) the depreciation deduction provided by section 167(a) for each applicable taxable year shall include an allowance equal to 25 percent of the adjusted basis of the qualified property, and

''(ii) the adjusted basis of the qualified property shall be reduced by the amount of such deduction before computing the amount otherwise allowable as a depreciation deduction under this chapter for such taxable year and any subsequent taxable year.

''(B) ELIGIBLE TAXPAYER.—

''(i) IN GENERAL.—At such time and in such manner as the Secretary shall prescribe, each taxpayer may elect to be an eligible taxpayer with respect to 1 (and only 1) of the following:

''(I) This subsection.

''(II) The application of section 56(d)(1)(A)(ii)(I) and section 172(b)(1)(H)(ii) in connection with net operating losses relating to taxable years beginning or ending during 2006, 2007, and 2008.

''(III) Section 179(b)(7).

''(ii) ELIGIBLE TAXPAYER.—For purposes of each of the provisions described in clause (i), a taxpayer shall only be treated as an eligible taxpayer with respect to the provision with respect to which the taxpayer made the election under clause (i).

''(iii) ELECTION IRREVOCABLE.—An election under clause (i) may not be revoked except with the consent of the Secretary.

''(C) APPLICABLE TAXABLE YEAR.—For purposes of subparagraph (A), the term 'applicable taxable year' means, with respect to any qualified property—

''(i) the first taxable year in which such property is placed in service, and

''(ii) the next succeeding taxable year.

''(2) QUALIFIED PROPERTY.—For purposes of this subsection—

''(A) IN GENERAL.—The term 'qualified property' means property—

''(i)(I) to which this section applies which has a recovery period of 20 years or less,

''(II) which is computer software (as defined in section 167(f)(1)(B)) for which a deduction is allowable under section 167(a) without regard to this subsection,

''(III) which is water utility property, or

''(IV) which is qualified leasehold improvement property,

''(ii) the original use of which commences with the taxpayer on or after the starting date,

''(iii) which is—

''(I) acquired by the taxpayer on or after the starting date and before the ending date, but only if no written binding contract for the acquisition was in effect before the starting date, or

''(II) acquired by the taxpayer pursuant to a written binding contract which was entered into on or after the starting date and before the ending date, and

''(iv) which is placed in service by the taxpayer before the ending date, or, in the case of property described in subparagraph (B) or (C), before the date that is 1 year after the ending date.

''(B) CERTAIN PROPERTY HAVING LONGER PRODUCTION PERIODS TREATED AS QUALIFIED PROPERTY.—

''(i) IN GENERAL.—The term 'qualified property' includes any property if such property—

''(I) meets the requirements of clauses (i), (ii), (iii), and (iv) of subparagraph (A),

''(II) has a recovery period of at least 10 years or is transportation property,

''(III) is subject to section 263A, and

''(IV) meets the requirements of clause (iii) of section 263A(f)(1)(B) (determined as if such clause also applied to property which has a long useful life (within the meaning of section 263A(f))).

''(ii) ONLY PRE-ENDING DATE BASIS ELIGIBLE FOR ADDITIONAL ALLOWANCE.—In the case of property which is qualified property solely by reason of clause (i), paragraph (1) shall apply only to the extent of the adjusted basis thereof attributable to manufacture, construction, or production before the ending date.

''(iii) TRANSPORTATION PROPERTY.—For purposes of this subparagraph, the term 'transportation property' means tangible personal property used in the trade or business of transporting persons or property.

''(iv) APPLICATION OF SUBPARAGRAPH.—This subparagraph shall not apply to any property which is described in subparagraph (C).

''(C) CERTAIN AIRCRAFT.—The term 'qualified property' includes property—

''(i) which meets the requirements of clauses (ii), (iii), and (iv) of subparagraph (A),

''(ii) which is an aircraft which is not a transportation property (as defined in subparagraph (B)(iii)) other than for agricultural or firefighting purposes,

''(iii) which is purchased and on which such purchaser, at the time of the contract for purchase, has made a nonrefundable deposit of the lesser of—

''(I) 10 percent of the cost, or

''(II) $100,000, and

''(iv) which has—

''(I) an estimated production period exceeding 4 months, and

''(II) a cost exceeding $200,000.

''(3) EXCEPTIONS.—

''(A) ALTERNATIVE DEPRECIATION PROPERTY.—This subsection shall not apply to any property to which the alternative depreciation system under subsection (g) applies, determined—

''(i) without regard to paragraph (7) of subsection (g) (relating to election to have system apply), and

''(ii) after application of section 280F(b) (relating to listed property with limited business use).

''(B) ELECTION OUT.—If a taxpayer makes an election under this subparagraph with respect to any class of property for any taxable year, this subsection shall not apply to all property in such class placed in service during such taxable year.

''(4) SPECIAL RULES.—

''(A) SELF-CONSTRUCTED PROPERTY.—In the case of a taxpayer manufacturing, constructing, or producing property for the taxpayer's own use, the requirements of paragraph (2)(A)(iii) shall be treated as met if the taxpayer begins manufacturing, constructing, or producing the property on or after the starting date and before the ending date.

''(B) SALE-LEASEBACKS.—For purposes of subparagraph (C) and paragraph (2)(A)(ii), if property is—

''(i) originally placed in service on or after the starting date by a person, and

''(ii) sold and leased back by such person within 3 months after the date such property was originally placed in service,

such property shall be treated as originally placed in service not earlier than the date on which such property is used under the leaseback referred to in clause (ii).

''(C) SYNDICATION.—For purposes of paragraph (2)(A)(ii), if—

''(i) property is originally placed in service on or after the starting date by the lessor of such property,

''(ii) such property is sold by such lessor or any subsequent purchaser within 3 months after the date such property was originally placed in service (or, in the case of multiple units of property subject to the same lease, within 3 months after the date the final unit is placed in service, so long as the period between the time the first unit is placed in service and the time the last unit is placed in service does not exceed 12 months), and

''(iii) the user of such property after the last sale during such 3-month period remains the same as when such property was originally placed in service,

such property shall be treated as originally placed in service not earlier than the date of such last sale.

''(D) LIMITATIONS RELATED TO USERS AND RELATED PARTIES.—This subsection shall not apply to any property if—

''(i) the user of such property (as of the date on which such property is originally placed in service) or a person which is related (within the meaning of section 267(b) or 707(b)) to such user or to the taxpayer had a written binding contract in effect for the acquisition of such property at any time before the starting date, or

''(ii) in the case of property manufactured, constructed, or produced for such user's or person's own use, the manufacture, construction, or production of such property began at any time before the starting date.

''(5) COORDINATION WITH SECTION 280F.—For purposes of section 280F—

''(A) AUTOMOBILES.—In the case of a passenger automobile (as defined in section 280F(d)(5)) which is qualified property, the Secretary shall increase the limitations under clauses (i) and (ii) of section 280F(a)(1)(A) by $3,825.

''(B) LISTED PROPERTY.—The deduction allowable under paragraph (1) shall be taken into account in computing any recapture amount under section 280F(b)(2).

''(6) DEDUCTION ALLOWED IN COMPUTING MINIMUM TAX.—For purposes of determining alternative minimum taxable income under section 55, the deduction under subsection (a) for qualified property shall be determined under this section without regard to any adjustment under section 56.

''(7) QUALIFIED LEASEHOLD IMPROVEMENT PROPERTY.—For purposes of this subsection—

''(A) IN GENERAL.—The term 'qualified leasehold improvement property' means any improvement to an interior portion of a building which is nonresidential real property if—

''(i) such improvement is made under or pursuant to a lease (as defined in subsection (h)(7))—

''(I) by the lessee (or any sublessee) of such portion, or

''(II) by the lessor of such portion,

''(ii) such portion is to be occupied exclusively by the lessee (or any sublessee) of such portion, and

''(iii) such improvement is placed in service more than 3 years after the date the building was first placed in service.

''(B) CERTAIN IMPROVEMENTS NOT INCLUDED.—Such term shall not include any improvement for which the expenditure is attributable to—

''(i) the enlargement of the building,

''(ii) any elevator or escalator,

''(iii) any structural component benefitting a common area, and

''(iv) the internal structural framework of the building.

''(C) DEFINITIONS AND SPECIAL RULES.—For purposes of this paragraph—

''(i) COMMITMENT TO LEASE TREATED AS LEASE.—A commitment to enter into a lease shall be treated as a lease, and the parties to such commitment shall be treated as lessor and lessee, respectively.

''(ii) RELATED PERSONS.—A lease between related persons shall not be considered a lease. For purposes of the preceding sentence, the term 'related persons' means—

''(I) members of an affiliated group (as defined in section 1504), and

''(II) persons having a relationship described in subsection (b) of section 267; except that, for purposes of this clause, the phrase '80 percent or more' shall be substituted for the phrase 'more than 50 percent' each place it appears in such subsection.

''(8) OTHER DEFINITIONS.—For purposes of this subsection—

''(A) STARTING DATE.—The term 'starting date' means January 30, 2008.

''(B) ENDING DATE.—The term 'ending date' means December 31, 2008.''.

(b) COORDINATION WITH OTHER BONUS DEPRECIATION PROVISIONS.—

(1) CELLULOSIC BIOMASS ETHANOL PLANT PROPERTY.—Paragraph (4) of section 168(l) of the Internal Revenue Code of 1986 is amended by redesignating subparagraphs (A), (B), and (C) as subparagraphs (B), (C), and (D) and inserting before subparagraph (B) (as so redesignated) the following new subparagraph:

''(A) BONUS DEPRECIATION PROPERTY UNDER SUBSECTION (k).—Such term shall not include any property to which section 168(k) applies.''.

(2) SPECIFIED GULF OPPORTUNITY ZONE EXTENSION PROPERTY.—Subparagraph (B) of section 1400N(d)(6) of such Code is amended by adding at the end the following new flush sentence:

''Such term shall not include any property to which section 168(k) applies.''.

(c) CONFORMING AMENDMENTS.—

(1) Section 168(e)(6) of the Internal Revenue Code of 1986 is amended by striking ''section 168(k)(3)'' and inserting ''section 168(k)(7)''.

(2) Section 168(l) of such Code is amended—

(A) in paragraph (4)(B), as redesignated by subsection (b)(1), by striking ''168(k)(2)(D)(i)'' and inserting ''169(k)(3)(A)''.

(B) by striking paragraph (5) and inserting the following:

''(5) SPECIAL RULES.—For purposes of this subsection, rules similar to the rules of paragraph (4) of section 168(k) shall apply, except that in applying such paragraph—

''(A) the starting date shall be one day after the date of the enactment of this subsection,

''(B) the ending date shall be January 1, 2013, and

''(C) 'qualified cellulosic biomass ethanol plant property' shall be substituted for 'qualified property' in clause (iv) thereof.'', and

(C) in paragraph (6), by striking ''168(k)(2)(G)'' and inserting ''168(k)(6)''.

(3) Section 1400L(b)(2) of such Code is amended—

(A) in subparagraph (C)(ii), by striking ''168(k)(2)(D)(i)'' and inserting ''168(k)(3)(A)'',

(B) in subparagraph (C)(iv), by striking ''168(k)(2)(D)(iii)'' and inserting ''168(k)(3)(B)'', and

(C) in subparagraph (E), by striking ''168(k)(2)(G)'' and inserting ''168(k)(6)''.

(4) Section 1400L(c) of such Code is amended—

(A) in paragraph (2), by striking ''168(k)(3)'' and inserting ''168(k)(7)'', and

(B) in paragraph (5), by striking ''168(k)(2)(D)(iii)'' and inserting ''168(k)(3)(B)''.

(5) Section 1400N(d) of such Code is amended—

(A) in paragraph (2)(B)(i), by striking ''168(k)(2)(D)(i)'' and inserting ''168(k)(3)(A)'',

(B) by striking paragraph (3) and inserting the following:

''(5) SPECIAL RULES.—For purposes of this subsection, rules similar to the rules of paragraph (4) of section 168(k) shall apply, except that in applying such paragraph—

''(A) the starting date shall be August 28, 2005,

''(B) the ending date shall be January 1, 2008, and

''(C) 'qualified Gulf Opportunity Zone property' shall be substituted for 'qualified property' in clause (iv) thereof.'', and

(C) in paragraph (4), by striking ''168(k)(2)(G)'' and inserting ''168(k)(6)''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after January 29, 2007, in taxable years ending after such date.

SEC. 112. INCREASED EXPENSING FOR SMALL BUSINESSES FOR 2008.

(a) IN GENERAL.—Subsection (b) of section 179 of the Internal Revenue Code of 1986 (relating to limitations) is amended by adding at the end the following new paragraph:

''(7) SPECIAL RULE FOR ELIGIBLE TAXPAYERS IN 2008.—In the case of any taxable year of any eligible taxpayer (within the meaning of section 168(k)(1)(B)) beginning in 2008—

''(A) the dollar limitation under paragraph (1) shall be $250,000, and

''(B) the dollar limitation under paragraph (2) shall be $800,000.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2007.

SEC. 113. CARRYBACK OF CERTAIN NET OPERATING LOSSES ALLOWED FOR 5 YEARS; TEMPORARY SUSPENSION OF 90 PERCENT AMT LIMIT.

(a) IN GENERAL.—Subparagraph (H) of section 172(b)(1) of the Internal Revenue Code of 1986 is amended to read as follows:

''(H) 5-YEAR CARRYBACK OF CERTAIN LOSSES.—

''(i) TAXABLE YEARS ENDING DURING 2001 AND 2002.—In the case of a net operating loss for any taxable year ending during 2001 or 2002, subparagraph (A)(i) shall be applied by substituting '5' for '2' and subparagraph (F) shall not apply.

''(ii) TAXABLE YEARS BEGINNING OR ENDING DURING 2006, 2007, AND 2008.—In the case of a net operating loss with respect to any eligible taxpayer (within the meaning of section 168(k)(1)(B)) for any taxable year beginning or ending during 2006, 2007, or 2008—

''(I) subparagraph (A)(i) shall be applied by substituting '5' for '2',

''(II) subparagraph (E)(ii) shall be applied by substituting '4' for '2', and

''(III) subparagraph (F) shall not apply.''.

(b) TEMPORARY SUSPENSION OF 90 PERCENT LIMIT ON CERTAIN NOL CARRYBACKS AND CARRYOVERS.—

(1) IN GENERAL.—Section 56(d) of the of the Internal Revenue Code of 1986 is amended by

adding at the end the following new paragraph:

''(3) ADDITIONAL ADJUSTMENTS.—For purposes of paragraph (1)(A), in the case of an eligible taxpayer (within the meaning of section 168(k)(1)(B)), the amount described in clause (I) of paragraph (1)(A)(ii) shall be increased by the amount of the net operating loss deduction allowable for the taxable year under section 172 attributable to the sum of—

''(A) carrybacks of net operating losses from taxable years beginning or ending during 2006, 2007, and 2008, and

''(B) carryovers of net operating losses to taxable years beginning or ending during 2006, 2007, or 2008.''.

(2) CONFORMING AMENDMENT.—Subclause (I) of section 56(d)(1)(A)(i) of such Code is amended by inserting ''amount of such'' before ''deduction described in clause (ii)(I)''.

(c) ANTI-ABUSE RULES.—The Secretary of Treasury or the Secretary's designee shall prescribes such rules as are necessary to prevent the abuse of the purposes of the amendments made by this section, including anti-stuffing rules, anti-churning rules (including rules relating to sale-leasebacks), and rules similar to the rules under section 1091 of the Internal Revenue Code of 1986 relating to losses from wash sales.

(d) EFFECTIVE DATES.—

(1) SUBSECTION (a).—

(A) IN GENERAL.—Except as provided in subparagraph (B), the amendments made by subsection (a) shall apply to net operating losses arising in taxable years beginning or ending in 2006, 2007, or 2008.

(B) ELECTION.—In the case of an eligible taxpayer (within the meaning of section 168(k)(1)(B) of the Internal Revenue Code of 1986) with a net operating loss for a taxable year beginning or ending during 2006 or 2007—

(i) any election made under section 172(b)(3) of the Internal Revenue Code of 1986 may (notwithstanding such section) be revoked before November 1, 2008, and

(ii) any election made under section 172(j) of such Code shall (notwithstanding such section) be treated as timely made if made before November 1, 2008.

(2) SUBSECTION (b).—The amendments made by subsection (b) shall apply to taxable years ending after December 31, 1995.

Subtitle C—Extensions of Energy Provisions

SEC. 121. EXTENSION OF CREDIT FOR ENERGY EFFICIENT APPLIANCES.

(a) IN GENERAL.—Subsection (b) of section 45M of the Internal Revenue Code of 1986 (relating to applicable amount) is amended by striking ''calendar year 2006 or 2007'' each place it appears in paragraphs (1)(A)(i), (1)(B)(i), (1)(C)(ii)(I), and (1)(C)(iii)(I), and inserting ''calendar year 2006, 2007, 2008, or 2009''.

(b) RESTART OF CREDIT LIMITATION.—Paragraph (1) of section 45M(e) of the Internal Revenue Code of 1986 (relating to aggregate credit amount allowed) is amended by inserting ''beginning after December 31, 2007'' after ''for all prior taxable years''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to appliances produced after December 31, 2007.

SEC. 122. EXTENSION OF CREDIT FOR NONBUSINESS ENERGY PROPERTY.

(a) IN GENERAL.—Section 25C(g) of the Internal Revenue Code of 1986 (relating to termination) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2009''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after December 31, 2007.

SEC. 123. SUSPENSION OF TAXABLE INCOME LIMIT WITH RESPECT TO MARGINAL WELLS.

(a) IN GENERAL.—Subparagraph (H) of section 613A(c)(6) of the Internal Revenue Code of 1986 (relating to temporary suspension of taxable income limit with respect to marginal production) is amended by striking ''January 1, 2008'' and inserting ''January 1, 2010''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2007.

SEC. 124. EXTENSION OF CREDIT FOR RESIDENTIAL ENERGY EFFICIENT PROPERTY.

Subsection (g) of section 25D of the Internal Revenue Code of 1986 (relating to termination) is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

SEC. 125. EXTENSION OF RENEWABLE ELECTRICITY AND REFINED COAL PRODUCTION CREDIT.

Section 45(d) of the Internal Revenue Code of 1986 (relating to qualified facilities) is amended by striking ''January 1, 2009'' each place it appears in paragraphs (1), (2), (3), (4), (5), (6), (7), (8), and (9) and inserting ''January 1, 2010''.

SEC. 126. EXTENSION OF NEW ENERGY EFFICIENT HOME CREDIT.

Subsection (g) of section 45L of the Internal Revenue Code of 1986 (relating to termination) is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

SEC. 127. EXTENSION OF ENERGY CREDIT.

(a) SOLAR ENERGY PROPERTY.—Paragraphs (2)(A)(i)(II) and (3)(A)(ii) of section 48(a) of the Internal Revenue Code of 1986 (relating to energy credit) are each amended by striking ''January 1, 2009'' and inserting ''January 1, 2010''.

(b) FUEL CELL PROPERTY.—Subparagraph (E) of section 48(c)(1) of the Internal Revenue Code of 1986 (relating to qualified fuel cell property) is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

(c) MICROTURBINE PROPERTY.—Subparagraph (E) of section 48(c)(2) of the Internal Revenue Code of 1986 (relating to qualified microturbine property) is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

SEC. 128. EXTENSION AND MODIFICATION OF CREDIT FOR CLEAN RENEWABLE ENERGY BONDS.

(a) EXTENSION.—Section 54(m) of the Internal Revenue Code of 1986 (relating to termination) is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

(b) INCREASE IN NATIONAL LIMITATION.—Section 54(f) of the Internal Revenue Code of 1986 (relating to limitation on amount of bonds designated) is amended—

(1) by striking ''$1,200,000,000'' in paragraph (1) and inserting ''$1,600,000,000'', and

(2) by striking ''$750,000,000'' in paragraph (2) and inserting ''$1,000,000,000''.

(c) MODIFICATION OF RATABLE PRINCIPAL AMORTIZATION REQUIREMENT.—

(1) IN GENERAL.—Paragraph (5) of section 54(l) is amended to read as follows:

''(5) RATABLE PRINCIPAL AMORTIZATION REQUIRED.—A bond shall not be treated as a clean renewable energy bond unless it is part of an issue which provides for an equal amount of principal to be paid by the qualified issuer during each 12-month period that the issue is outstanding (other than the first 12-month period).''.

(2) TECHNICAL AMENDMENT.—The third sentence of section 54(e)(2) is amended by striking ''subsection (l)(6)'' and inserting ''subsection (l)(5)''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to bonds issued after the date of the enactment of this Act.

SEC. 129. EXTENSION OF ENERGY EFFICIENT COMMERCIAL BUILDINGS DEDUCTION.

Section 179D(h) of the Internal Revenue Code of 1986 (relating to termination) is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

SEC. 130. SPECIAL RULES FOR REFUND OF THE COAL EXCISE TAX TO CERTAIN COAL PRODUCERS AND EXPORTERS.

(a) REFUND.—

(1) COAL PRODUCERS.—

(A) IN GENERAL.—Notwithstanding subsections (a)(1) and (c) of section 6416 and section 6511 of the Internal Revenue Code of 1986, if—

(i) a coal producer establishes that such coal producer, or a party related to such coal producer, exported coal produced by such coal producer to a foreign country or shipped coal produced by such coal producer to a possession of the United States, or caused such coal to be exported or shipped, the export or shipment of which was other than through an exporter who meets the requirements of paragraph (2),

(ii) such coal producer filed an excise tax return on or after October 1, 1990, and on or before the date of the enactment of this Act, and

(iii) such coal producer files a claim for refund with the Secretary not later than the close of the 30-day period beginning on the date of the enactment of this Act,

then the Secretary shall pay to such coal producer an amount equal to the tax paid under section 4121 of such Code on such coal exported or shipped by the coal producer or a party related to such coal producer, or caused by the coal producer or a party related to such coal producer to be exported or shipped.

(B) SPECIAL RULES FOR CERTAIN TAXPAYERS.—For purposes of this section—

(i) IN GENERAL.—If a coal producer or a party related to a coal producer has received a judgment described in clause (iii) and has provided evidence as provided under clause (iv), such coal producer shall be deemed to have established the export of coal to a foreign country or shipment of coal to a possession of the United States under subparagraph (A)(i).

(ii) AMOUNT OF PAYMENT.—If a taxpayer described in clause (i) is entitled to a payment under subparagraph (A), the amount of such payment shall be reduced by any amount paid pursuant to the judgment described in clause (iii).

(iii) JUDGMENT DESCRIBED.—A judgment is described in this subparagraph if such judgment—

(I) is made by a court of competent jurisdiction within the United States,

(II) relates to the constitutionality of any tax paid on exported coal under section 4121 of the Internal Revenue Code of 1986, and

(III) is in favor of the coal producer or the party related to the coal producer.

(2) EXPORTERS.—Notwithstanding subsections (a)(1) and (c) of section 6416 and section 6511 of the Internal Revenue Code of 1986, and a judgment described in paragraph (1)(B)(iii) of this subsection, if—

(A) an exporter establishes that such exporter exported coal to a foreign country or shipped coal to a possession of the United States, or caused such coal to be so exported or shipped,

(B) such exporter filed a tax return on or after October 1, 1990, and on or before the date of the enactment of this Act, and

(C) such exporter files a claim for refund with the Secretary not later than the close of the 30-day period beginning on the date of the enactment of this Act,

then the Secretary shall pay to such exporter an amount equal to $0.825 per ton of such coal exported by the exporter or caused to be exported or shipped, or caused to be exported or shipped, by the exporter.

(b) LIMITATIONS.—Subsection (a) shall not apply with respect to exported coal if a settlement with the Federal Government has been made with and accepted by, the coal producer, a party related to such coal producer, or the exporter, of such coal, as of the date that the claim is filed under this section with respect to such exported coal. For purposes of this subsection, the term ''settlement with the Federal Government'' shall not include any settlement or stipulation entered into as of the date of the enactment of this Act, the terms of which contemplate a judgment concerning which any party has reserved the right to file an appeal, or has filed an appeal.

(c) SUBSEQUENT REFUND PROHIBITED.—No refund shall be made under this section to the extent that a credit or refund of such tax on such exported or shipped coal has been paid to any person.

(d) DEFINITIONS.—For purposes of this section—

(1) COAL PRODUCER.—The term ''coal producer'' means the person in whom is vested ownership of the coal immediately after the coal is severed from the ground, without regard to the existence of any contractual arrangement for the sale or other disposition of the coal or the payment of any royalties between the producer and third parties. The term includes any person who extracts coal from coal waste refuse piles or from the silt waste product which results from the wet washing (or similar processing) of coal.

(2) EXPORTER.—The term ''exporter'' means a person, other than a coal producer, who does not have a contract, fee arrangement, or any other agreement with a producer or seller of such coal to export or ship such coal to a third party on behalf of the producer or seller of such coal and—

(A) is indicated in the shipper's export declaration or other documentation as the exporter of record, or

(B) actually exported such coal to a foreign country or shipped such coal to a possession of the United States, or caused such coal to be so exported or shipped.

(3) RELATED PARTY.—The term ''a party related to such coal producer'' means a person who—

(A) is related to such coal producer through any degree of common management, stock ownership, or voting control,

(B) is related (within the meaning of section 144(a)(3) of such Code) to such coal producer, or

(C) has a contract, fee arrangement, or any other agreement with such coal producer to sell such coal to a third party on behalf of such coal producer.

(4) SECRETARY.—The term ''Secretary'' means the Secretary of Treasury or the Secretary's designee.

(e) TIMING OF REFUND.—With respect to any claim for refund filed pursuant to this section, the Secretary shall determine whether the requirements of this section are met not later than 180 days after such claim is filed. If the Secretary determines that the requirements of this section are met, the claim for refund shall be paid not later than 180 days after the Secretary makes such determination.

(f) INTEREST.—Any refund paid pursuant to this section shall be paid by the Secretary with interest from the date of overpayment determined by using the overpayment rate and method under section 6621 of such Code.

(g) DENIAL OF DOUBLE BENEFIT.—The payment under subsection (a) with respect to any coal shall not exceed—

(1) in the case of a payment to a coal producer, the amount of tax paid under section 4121 of the Internal Revenue Code of 1986 with respect to such coal by such coal producer or a party related to such coal producer, and

(2) in the case of a payment to an exporter, an amount equal to $0.825 per ton with respect to such coal exported by the exporter or caused to be exported by the exporter.

(h) APPLICATION OF SECTION.—This section applies only to claims on coal exported or shipped on or after October 1, 1990, through the date of the enactment of this Act.

(i) STANDING NOT CONFERRED.—

(1) EXPORTERS.—With respect to exporters, this section shall not confer standing upon an exporter to commence, or intervene in, any judicial or administrative proceeding concerning a claim for refund by a coal producer of any Federal or State tax, fee, or royalty paid by the coal producer.

(2) COAL PRODUCERS.—With respect to coal producers, this section shall not confer standing upon a coal producer to commence, or intervene in, any judicial or administrative proceeding concerning a claim for refund by an exporter of any Federal or State tax, fee, or royalty paid by the producer and alleged to have been passed on to an exporter.

Subtitle D—Provisions Relating to Housing Bonds

SEC. 131. MODIFICATIONS ON USE OF QUALIFIED MORTGAGE BONDS; TEMPORARY INCREASED VOLUME CAP FOR CERTAIN HOUSING BONDS.

(a) USE OF QUALIFIED MORTGAGE BONDS PROCEEDS FOR SUBPRIME REFINANCING LOANS.—Section 143(k) of the Internal Revenue Code of 1986 (relating to other definitions and special rules) is amended by adding at the end the following new paragraph:

''(12) SPECIAL RULES FOR SUBPRIME REFINANCINGS.—

''(A) IN GENERAL.—Notwithstanding the requirements of subsection (i)(1), the proceeds of a qualified mortgage issue may be used to refinance a mortgage on a residence which was originally financed by the mortgagor through a qualified subprime loan.

''(B) SPECIAL RULES.—In applying this paragraph to any case in which the proceeds of a qualified mortgage issue are used for any refinancing described in subparagraph (A)—

''(i) subsection (a)(2)(D)(i) shall be applied by substituting '12-month period' for '42-month period' each place it appears,

''(ii) subsection (d) (relating to 3-year requirement) shall not apply, and

''(iii) subsection (e) (relating to purchase price requirement) shall be applied by using the market value of the residence at the time of refinancing in lieu of the acquisition cost.

''(C) QUALIFIED SUBPRIME LOAN.—The term 'qualified subprime loan' means an adjustable rate single-family residential mortgage loan originated after December 31, 2001, and before January 1, 2008, that the bond issuer determines would be reasonably likely to cause financial hardship to the borrower if not refinanced.

''(D) TERMINATION.—This paragraph shall not apply to any bonds issued after December 31, 2010.''.

(b) INCREASED VOLUME CAP FOR CERTAIN BONDS.—

(1) IN GENERAL.—Subsection (d) of section 146 of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

''(5) INCREASE AND SET ASIDE FOR HOUSING BONDS FOR 2008.—

''(A) INCREASE FOR 2008.—In the case of calendar year 2008, the State ceiling for each State shall be increased by an amount equal to $10,000,000,000 multiplied by a fraction—

''(i) the numerator of which is the population of such State (as reported in the most recent decennial census), and

''(ii) the denominator of which is the total population of all States (as reported in the most recent decennial census).

''(B) SET ASIDE.—

''(i) IN GENERAL.—Any amount of the State ceiling for any State which is attributable to an increase under this paragraph shall be allocated solely for one or more qualified purposes.

''(ii) QUALIFIED PURPOSE.—For purposes of this paragraph, the term 'qualified purpose' means—

''(I) the issuance of exempt facility bonds used solely to provide qualified residential rental projects, or

''(II) a qualified mortgage issue (determined by substituting '12-month period' for '42-month period' each place it appears in section 143(a)(2)(D)(i)).''.

(2) CARRYFORWARD OF UNUSED LIMITATIONS.—Subsection (f) of section 146 of such Code is amended by adding at the end the following new paragraph:

''(6) SPECIAL RULES FOR INCREASED VOLUME CAP UNDER SUBSECTION (d)(5).—

''(A) IN GENERAL.—No amount which is attributable to the increase under subsection (d)(5) may be used—

''(i) for a carryforward purpose other than a qualified purpose (as defined in subsection (d)(5)), and

''(ii) to issue any bond after calendar year 2010.

''(B) ORDERING RULES.—For purposes of subparagraph (A), any carryforward of an issuing authority's volume cap for calendar year 2008 shall be treated as attributable to such increase to the extent of such increase.''.

(c) ALTERNATIVE MINIMUM TAX.—

(1) IN GENERAL.—Clause (ii) of section 57(a)(5)(C) of the Internal Revenue Code of 1986 is amended by striking ''shall not include'' and all that follows and inserting ''shall not include—

''(I) any qualified 501(c)(3) bond (as defined in section 145), or

''(II) any qualified mortgage bond (as defined in section 143(a)) or qualified veterans' mortgage bond (as defined in section 143(b)) issued after the date of the enactment of this subclause and before January 1, 2011.''.

(2) CONFORMING AMENDMENT.—The heading for section 57(a)(5)(C)(ii) is amended by striking ''QUALIFIED 501(c)(3) BONDS'' and inserting ''CERTAIN BONDS''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to bonds issued after the date of the enactment of this Act.

TITLE II—HOUSING GSE AND FHA LOAN LIMITS

SEC. 201. TEMPORARY CONFORMING LOAN LIMIT INCREASE FOR FANNIE MAE AND FREDDIE MAC.

(a) INCREASE OF HIGH COST AREAS LIMITS FOR HOUSING GSEs.—For mortgages originated during the period beginning on July 1, 2007, and ending at the end of December 31, 2008:

(1) FANNIE MAE.—With respect to the Federal National Mortgage Association, notwithstanding section 302(b)(2) of the Federal National Mortgage Association Charter Act (12 U.S.C. 1717(b)(2)), the limitation on the maximum original principal obligation of a mortgage that may be purchased by the Association shall be the higher of—

(A) the limitation for 2008 determined under such section 302(b)(2) for a residence of the applicable size; or

(B) 125 percent of the area median price for a residence of the applicable size, but in no case to exceed 175 percent of the limitation for 2008 determined under such section 302(b)(2) for a residence of the applicable size.

(2) FREDDIE MAC.—With respect to the Federal Home Loan Mortgage Corporation, notwithstanding section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1454(a)(2)), the limitation on the maximum original principal obligation of a mortgage that may be purchased by the Corporation shall be the higher of—

(A) the limitation determined for 2008 under such section 305(a)(2) for a residence of the applicable size; or

(B) 125 percent of the area median price for a residence of the applicable size, but in no case to exceed 175 percent of the limitation determined for 2008 under such section 305(a)(2) for a residence of the applicable size.

(b) DETERMINATION OF LIMITS.—The areas and area median prices used for purposes of the determinations under subsection (a) shall be the areas and area median prices used by the Secretary of Housing and Urban Development in determining the applicable limits under section 202 of this title.

(c) RULE OF CONSTRUCTION.—A mortgage originated during the period referred to in subsection (a) that is eligible for purchase by the Federal National Mortgage Association or the Federal Home Loan Mortgage Corporation pursuant to this section shall be eligible for such purchase for the duration of the term of the mortgage, notwithstanding that such purchase occurs after the expiration of such period.

(d) EFFECT ON HOUSING GOALS.—Notwithstanding any other provision of law, mortgages purchased in accordance with the increased maximum original principal obligation limitations determined pursuant to this section shall not be considered in determining performance with respect to any of the housing goals established under section 1332, 1333, or 1334 of the Housing and Community Development Act of 1992 (12 U.S.C. 4562–4), and shall not be considered in determining compliance with such goals pursuant to section 1336 of such Act (12 U.S.C. 4566) and regulations, orders, or guidelines issued thereunder.

(e) SENSE OF CONGRESS.—It is the sense of the Congress that the securitization of mortgages by the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation plays an important role in providing liquidity to the United States housing markets. Therefore, the Congress encourages the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation to securitize mortgages acquired under the increased conforming loan limits established in this section, to the extent that such securitizations can be effected in a timely and efficient manner that does not impose additional costs for mortgages originated, purchased, or securitized under the existing limits or interfere with the goal of adding liquidity to the market.

SEC. 202. TEMPORARY LOAN LIMIT INCREASE FOR FHA.

(a) INCREASE OF HIGH-COST AREA LIMIT.—For mortgages for which the mortgagee has issued credit approval for the borrower on or before December 31, 2008, subparagraph (A) of section 203(b)(2) of the National Housing Act (12 U.S.C. 1709(b)(2)(A)) shall be considered (except for purposes of section 255(g) of such Act (12 U.S.C. 1715z–20(g))) to require that a mortgage shall involve a principal obligation in an amount that does not exceed the lesser of—

(1) in the case of a 1-family residence, 125 percent of the median 1-family house price in the area, as determined by the Secretary; and in the case of a 2-, 3-, or 4-family residence, the percentage of such median price that bears the same ratio to such median price as the dollar amount limitation determined for 2008 under section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1454(a)(2)) for a 2-, 3-, or 4-family residence, respectively, bears to the dollar amount limitation determined for 2008 under such section for a 1-family residence; or

(2) 175 percent of the dollar amount limitation determined for 2008 under such section 305(a)(2) for a residence of the applicable size (without regard to any authority to increase such limitation with respect to properties located in Alaska, Guam, Hawaii, or the Virgin Islands);

except that the dollar amount limitation in effect under this subsection for any size residence for any area shall not be less than the greater of (A) the dollar amount limitation in effect under such section 203(b)(2) for the area on October 21, 1998; or (B) 65 percent of the dollar amount limitation determined for 2008 under such section 305(a)(2) for a residence of the applicable size. Any reference in this subsection to dollar amount limitations in effect under section 305 (a)(2) of the Federal Home Loan Mortgage Corporation Act means such limitations as in effect without regard to any increase in such limitation pursuant to section 201 of this title.

(b) DISCRETIONARY AUTHORITY.—If the Secretary of Housing and Urban Development determines that market conditions warrant such an increase, the Secretary may, for the period that begins upon the date of the enactment of this Act and ends at the end of the date specified in subsection (a), increase the maximum dollar amount limitation determined pursuant to subsection (a) with respect to any particular size or sizes of residences, or with respect to residences located in any particular area or areas, to an amount that does not exceed the maximum dollar amount then otherwise in effect pursuant to subsection (a) for such size residence, or for such area (if applicable), by not more than $100,000.

(c) PUBLICATION OF AREA MEDIAN PRICES AND LOAN LIMITS.—The Secretary of Housing and Urban Development shall publish the median house prices and mortgage principal obligation limits, as revised pursuant to this section, for all areas as soon as practicable, but in no case more than 30 days after the date of the enactment of this Act. With respect to existing areas for which the Secretary has not established area median prices before such date of enactment, the Secretary may rely on existing commercial data in determining area median prices and calculating such revised principal obligation limits.

TITLE III—TEMPORARY EXTENDED UNEMPLOYMENT COMPENSATION

SEC. 301. FEDERAL-STATE AGREEMENTS.

(a) IN GENERAL.—Any State which desires to do so may enter into and participate in an agreement under this title with the Secretary of Labor (in this title referred to as the ''Secretary''). Any State which is a party to an agreement under this title may, upon providing 30 days written notice to the Secretary, terminate such agreement.

(b) PROVISIONS OF AGREEMENT.—Any agreement under subsection (a) shall provide that the State agency of the State will make payments of temporary extended unemployment compensation to individuals who—

(1) have exhausted all rights to regular compensation under the State law or under Federal law with respect to a benefit year (excluding any benefit year that ended before February 1, 2007);

(2) have no rights to regular compensation or extended compensation with respect to a week under such law or any other State unemployment compensation law or to compensation under any other Federal law; and

(3) are not receiving compensation with respect to such week under the unemployment compensation law of Canada.

(c) EXHAUSTION OF BENEFITS.—For purposes of subsection (b)(1), an individual shall be deemed to have exhausted such individual's rights to regular compensation under a State law when—

(1) no payments of regular compensation can be made under such law because such individual has received all regular compensation available to such individual based on employment or wages during such individual's base period; or

(2) such individual's rights to such compensation have been terminated by reason of the expiration of the benefit year with respect to which such rights existed.

(d) WEEKLY BENEFIT AMOUNT, ETC.—For purposes of any agreement under this title—

(1) the amount of temporary extended unemployment compensation which shall be payable to any individual for any week of total unemployment shall be equal to the amount of the regular compensation (including dependents' allowances) payable to such individual during such individual's benefit year under the State law for a week of total unemployment;

(2) the terms and conditions of the State law which apply to claims for regular compensation and to the payment thereof shall apply to claims for temporary extended unemployment compensation and the payment thereof, except—

(A) that an individual shall not be eligible for temporary extended unemployment compensation under this title unless, in the base period with respect to which the individual exhausted all rights to regular compensation under the State law, the individual had 20 weeks of full-time insured employment or the equivalent in insured wages, as determined under the provisions of the State law implementing section 202(a)(5) of the Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note); and

(B) where otherwise inconsistent with the provisions of this title or with the regulations or operating instructions of the Secretary promulgated to carry out this title; and

(3) the maximum amount of temporary extended unemployment compensation payable to any individual for whom a temporary extended unemployment compensation account is established under section 302 shall not exceed the amount established in such account for such individual.

(e) ELECTION BY STATES.—Notwithstanding any other provision of Federal law (and if State law permits), the Governor of a State that is in an extended benefit period may provide for the payment of temporary extended unemployment compensation in lieu of extended compensation to individuals who otherwise meet the requirements of this section. Such an election shall not require a State to trigger off an extended benefit period.

SEC. 302. TEMPORARY EXTENDED UNEMPLOYMENT COMPENSATION ACCOUNT.

(a) IN GENERAL.—Any agreement under this title shall provide that the State will establish, for each eligible individual who files an application for temporary extended unemployment compensation, a temporary extended unemployment compensation account with respect to such individual's benefit year.

(b) AMOUNT IN ACCOUNT.—

(1) IN GENERAL.—The amount established in an account under subsection (a) shall be equal to the lesser of—

(A) 50 percent of the total amount of regular compensation (including dependents' allowances) payable to the individual during

the individual's benefit year under such law; or

(B) 13 times the individual's average weekly benefit amount for the benefit year.

(2) WEEKLY BENEFIT AMOUNT.—For purposes of this subsection, an individual's weekly benefit amount for any week is the amount of regular compensation (including dependents' allowances) under the State law payable to such individual for such week for total unemployment.

(c) SPECIAL RULE.—

(1) IN GENERAL.—Notwithstanding any other provision of this section, if, at the time that the individual's account is exhausted, such individual's State is in an extended benefit period (as determined under paragraph (2)), then, such account shall be augmented by an amount equal to the amount originally established in such account (as determined under subsection (b)(1)).

(2) EXTENDED BENEFIT PERIOD.—For purposes of paragraph (1), a State shall be considered to be in an extended benefit period if, at the time of exhaustion (as described in paragraph (1))—

(A) such a period is then in effect for such State under the Federal-State Extended Unemployment Compensation Act of 1970;

(B) such a period would then be in effect for such State under such Act if section 203(d) of such Act were applied as if it had been amended by striking ''5'' each place it appears and inserting ''4''; or

(C) such a period would then be in effect for such State under such Act if—

(i) section 203(f) of such Act was applied to such State (regardless of whether the State by law had provided for such application); and

(ii) such section 203(f) did not include the requirement under paragraph (1)(A)(ii).

SEC. 303. PAYMENTS TO STATES HAVING AGREEMENTS FOR THE PAYMENT OF TEMPORARY EXTENDED UNEMPLOYMENT COMPENSATION.

(a) GENERAL RULE.—There shall be paid to each State which has entered into an agreement under this title an amount equal to 100 percent of the temporary extended unemployment compensation paid to individuals by the State pursuant to such agreement.

(b) TREATMENT OF REIMBURSABLE COMPENSATION.—No payment shall be made to any State under this section in respect of any compensation to the extent the State is entitled to reimbursement in respect of such compensation under the provisions of any Federal law other than this title or chapter 85 of title 5, United States Code. A State shall not be entitled to any reimbursement under such chapter 85 in respect of any compensation to the extent the State is entitled to reimbursement under this title in respect of such compensation.

(c) DETERMINATION OF AMOUNT.—Sums payable to any State by reason of such State having an agreement under this title shall be payable, either in advance or by way of reimbursement (as may be determined by the Secretary), in such amounts as the Secretary estimates the State will be entitled to receive under this title for each calendar month, reduced or increased, as the case may be, by any amount by which the Secretary finds that the Secretary's estimates for any prior calendar month were greater or less than the amounts which should have been paid to the State. Such estimates may be made on the basis of such statistical, sampling, or other method as may be agreed upon by the Secretary and the State agency of the State involved.

SEC. 304. FINANCING PROVISIONS.

(a) IN GENERAL.—Funds in the extended unemployment compensation account (as established by section 905(a) of the Social Security Act (42 U.S.C. 1105(a))) of the Unemployment Trust Fund (as established by section 904(a) of such Act (42 U.S.C. 1104(a))) shall be used for the making of payments to States having agreements entered into under this title.

(b) CERTIFICATION.—The Secretary shall from time to time certify to the Secretary of the Treasury for payment to each State the sums payable to such State under this title. The Secretary of the Treasury, prior to audit or settlement by the Government Accountability Office, shall make payments to the State in accordance with such certification, by transfers from the extended unemployment compensation account (as so established) to the account of such State in the Unemployment Trust Fund (as so established).

(c) ASSISTANCE TO STATES.—There are appropriated out of the employment security administration account (as established by section 901(a) of the Social Security Act (42 U.S.C. 1101(a))) of the Unemployment Trust Fund, without fiscal year limitation, such funds as may be necessary for purposes of assisting States (as provided in title III of the Social Security Act (42 U.S.C. 501 et seq.)) in meeting the costs of administration of agreements under this title.

(d) APPROPRIATIONS FOR CERTAIN PAYMENTS.—There are appropriated from the general fund of the Treasury, without fiscal year limitation, to the extended unemployment compensation account (as so established) of the Unemployment Trust Fund (as so established) such sums as the Secretary estimates to be necessary to make the payments under this section in respect of—

(1) compensation payable under chapter 85 of title 5, United States Code; and

(2) compensation payable on the basis of services to which section 3309(a)(1) of the Internal Revenue Code of 1986 applies.

Amounts appropriated pursuant to the preceding sentence shall not be required to be repaid.

SEC. 305. FRAUD AND OVERPAYMENTS.

(a) IN GENERAL.—If an individual knowingly has made, or caused to be made by another, a false statement or representation of a material fact, or knowingly has failed, or caused another to fail, to disclose a material fact, and as a result of such false statement or representation or of such nondisclosure such individual has received an amount of temporary extended unemployment compensation under this title to which the individual was not entitled, such individual—

(1) shall be ineligible for further temporary extended unemployment compensation under this title in accordance with the provisions of the applicable State unemployment compensation law relating to fraud in connection with a claim for unemployment compensation; and

(2) shall be subject to prosecution under section 1001 of title 18, United States Code.

(b) REPAYMENT.—In the case of individuals who have received amounts of temporary extended unemployment compensation under this title to which they were not entitled, the State shall require such individuals to repay the amounts of such temporary extended unemployment compensation to the State agency, except that the State agency may waive such repayment if it determines that—

(1) the payment of such temporary extended unemployment compensation was without fault on the part of any such individual; and

(2) such repayment would be contrary to equity and good conscience.

(c) RECOVERY BY STATE AGENCY.—

(1) IN GENERAL.—The State agency may recover the amount to be repaid, or any part thereof, by deductions from any temporary extended unemployment compensation payable to such individual under this title or from any unemployment compensation payable to such individual under any State or Federal unemployment compensation law administered by the State agency or under any other State or Federal law administered by the State agency which provides for the payment of any assistance or allowance with respect to any week of unemployment, during the 3-year period after the date such individuals received the payment of the temporary extended unemployment compensation to which they were not entitled, except that no single deduction may exceed 50 percent of the weekly benefit amount from which such deduction is made.

(2) OPPORTUNITY FOR HEARING.—No repayment shall be required, and no deduction shall be made, until a determination has been made, notice thereof and an opportunity for a fair hearing has been given to the individual, and the determination has become final.

(d) REVIEW.—Any determination by a State agency under this section shall be subject to review in the same manner and to the same extent as determinations under the State unemployment compensation law, and only in that manner and to that extent.

SEC. 306. DEFINITIONS.

In this title, the terms ''compensation'', ''regular compensation'', ''extended compensation'', ''benefit year'', ''base period'', ''State'', ''State agency'', ''State law'', and ''week'' have the respective meanings given such terms under section 205 of the Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note).

SEC. 307. APPLICABILITY.

(a) IN GENERAL.—Except as provided in subsection (b), an agreement entered into under this title shall apply to weeks of unemployment—

(1) beginning after the date on which such agreement is entered into; and

(2) ending on or before December 31, 2008.

(b) TRANSITION FOR AMOUNT REMAINING IN ACCOUNT.—

(1) IN GENERAL.—Subject to paragraphs (2) and (3), in the case of an individual who has amounts remaining in an account established under section 302 as of December 31, 2008, temporary extended unemployment compensation shall continue to be payable to such individual from such amounts for any week beginning after such date for which the individual meets the eligibility requirements of this title.

(2) NO AUGMENTATION AFTER DECEMBER 31, 2008.—If the account of an individual is exhausted after December 31, 2008, then section 302(c) shall not apply and such account shall not be augmented under such section, regardless of whether such individual's State is in an extended benefit period (as determined under paragraph (2) of such section).

(3) LIMITATION.—No compensation shall be payable by reason of paragraph (1) for any week beginning after March 31, 2009.

TITLE __—LOW-INCOME HOME ENERGY ASSISTANCE

SEC. ___. LOW-INCOME HOME ENERGY ASSISTANCE PROGRAM.

(a) IN GENERAL.—In addition to amounts otherwise made available for fiscal year 2008, there are appropriated, out of any money in the Treasury not otherwise appropriated—

(1) $500,000,000 for fiscal year 2008, for making payments under subsections (a) through (d) of section 2604 of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8623); and

(2) $500,000,000 for fiscal year 2008, for making allotments under section 2604(a) of the Low-Income Home Energy Assistance Act of

1981 (42 U.S.C. 8623(a)) that are made in such a manner as to ensure that each State's allotment percentage is the percentage the State would receive of funds allotted under such section 2604(a) if the total amount appropriated for fiscal year 2008 and available to carry out such section 2604(a) had been less than $1,975,000,000.

(b) RELEASE OF FUNDS.—Funds appropriated under subsection (a)(2), and funds appropriated (but not obligated) prior to the date of enactment of this Act for making payments under section 2604(e) of such Act (42 U.S.C. 8623(e)), shall be released to States not later than 30 days after the date of enactment of this Act.

TITLE __—EMERGENCY DESIGNATION

SEC. 501. EMERGENCY DESIGNATION.

For purposes of Senate enforcement, all provisions of this Act are designated as emergency requirements and necessary to meet emergency needs pursuant to section 204 of S. Con. Res. 21 (110th Congress), the concurrent resolution on the budget for fiscal year 2008.

SA 3984. Mr. REID proposed an amendment to amendment SA 3983 proposed by Mr. REID to the bill H.R. 5140, to provide economic stimulus through recovery rebates to individuals, incentives for business investment, and an increase in conforming and FHA loan limits; as follows:

At the end of the amendment, add the following:

This section shall take effect 4 days after enactment.

SA 3985. Mr. REID proposed an amendment to the bill H.R. 5140, to provide economic stimulus through recovery rebates to individuals, incentives for business investment, and an increase in conforming and FHA loan limits; as follows:

At the end insert the following:

This section shall become effective 3 days after enactment of the bill.

SA 3986. Mr. REID submitted an amendment which was ordered to lie on the table; as follows:

On line 2, strike 3 and insert 2.

SA 3987. Mr. REID proposed an amendment to amendment SA 3986 proposed by Mr. REID to the bill; as follows:

On line 1, strike 2 and insert 1.

SA 3988. Mr. REID (for Mr. LIEBERMAN) proposed an amendment to the bill S. 2457, to provide for extensions of leases of certain land by Mashantucket Pequot (Western) Tribe; as follows:

At the end, add the following:

(c) PROHIBITION ON GAMING ACTIVITIES.—No entity may conduct any gaming activity (within the meaning of section 4 of the Indian Gaming Regulatory Act (25 U.S.C. 2703)) pursuant to a claim of inherent authority or any Federal law (including the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.) and any regulations promulgated by the Secretary of the Interior or the National Indian Gaming Commission pursuant to that Act) on any land that is leased with an option to renew the lease in accordance with this section.

NOTICES OF HEARINGS

COMMITTEE ON INDIAN AFFAIRS

Mr. DORGAN. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Thursday, February 7, at 9:30 a.m., in room 628 of the Dirksen Senate Office Building in order to conduct a hearing on the nomination of Robert G. McSwain to be Director of the Indian Health Service.

Those wishing additional information my contact the Indian Affairs Committee at 224–2251.

COMMITTEE ON RULES AND ADMINISTRATION

Mrs. FEINSTEIN. Mr. President, there will be a meeting of the Committee on Rules and Administration on Wednesday, February 13, 2008 at 10 a.m. in SR–301, Russell Senate Office Building, in order to hear testimony on Protecting Voters at Home and at the Polls: Limiting Abusive Robocalls and Vote Caging Practices.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON FINANCE

Mr. BROWN. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Tuesday, February 5, 2008, at 10 a.m., in room 215 of the Dirksen Senate Office Building, in order to hear testimony on the President's fiscal year 2009 budget proposal.

COMMITTEE ON VETERANS' AFFAIRS

Mr. BROWN. Mr. President, I ask unanimous consent for the Committee on Veterans' Affairs to be authorized to meet during the session of the Senate on Tuesday, February 5, in order to conduct an oversight hearing entitled: Review of Veterans' Disability Compensation: Rehabilitating Veterans.'' The Committee will meet in room 418 of the Russell Senate Office Building, at 9:30 a.m.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. BROWN. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on February 5, 2008, at 10 a.m. in order to hold an open hearing.

SELECT COMMITTEE ON INTELLIGENCE

Mr. BROWN. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on February 5, 2008, at 2:30 p.m. in order to hold a closed hearing.

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

PROVIDING FOR EXTENSIONS OF LEASES FOR CERTAIN LAND BY MASHANTUCKET PEQUOT (WESTERN) TRIBE

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be discharged from further consideration of S. 2457 and that the Senate proceed to its immediate consideration.

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

The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 2457) to provide for extensions of leases of certain land by Mashantucket Pequot (Western) Tribe.

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

Mr. REID. Mr. President, I ask unanimous consent that the amendment at the desk be agreed to, the bill, as amended, be read the third time and passed, a motion to reconsider be laid upon the table, and any statements relating to this measure be printed in the RECORD.

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

The amendment (No. 3988) was agreed to, as follows:

(Purpose: To prohibit gaming activities on certain land)

At the end, add the following:

(c) PROHIBITION ON GAMING ACTIVITIES.—No entity may conduct any gaming activity (within the meaning of section 4 of the Indian Gaming Regulatory Act (25 U.S.C. 2703)) pursuant to a claim of inherent authority or any Federal law (including the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.) and any regulations promulgated by the Secretary of the Interior or the National Indian Gaming Commission pursuant to that Act) on any land that is leased with an option to renew the lease in accordance with this section.

The bill (S. 2457), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 2457

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

SECTION 1. EXTENSIONS OF LEASES OF CERTAIN LAND BY MASHANTUCKET PEQUOT (WESTERN) TRIBE.

(a) IN GENERAL.—Any lease of restricted land of the Mashantucket Pequot (Western) Tribe (referred to in this section as the ''Tribe'') entered into on behalf of the Tribe by the tribal corporation of the Tribe chartered pursuant to section 17 of the Act of June 18, 1934 (25 U.S.C. 477), may include an option to renew the lease for not more than 2 additional terms, each of which shall not exceed 25 years, subject only to the approval of the tribal council of the Tribe.

(b) LIABILITY OF UNITED STATES.—The United States shall not be liable to any party for any loss resulting from a renewal of a lease entered into pursuant to subsection (a).

(c) PROHIBITION ON GAMING ACTIVITIES.—No entity may conduct any gaming activity (within the meaning of section 4 of the Indian Gaming Regulatory Act (25 U.S.C. 2703)) pursuant to a claim of inherent authority or any Federal law (including the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.) and any regulations promulgated by the Secretary of the Interior or the National Indian Gaming Commission pursuant to that Act) on any land that is leased with an option to renew the lease in accordance with this section.

NATIONAL DRUG PREVENTION AND EDUCATION WEEK

Mr. REID. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Res. 434, and the Senate now proceed to its immediate consideration.

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

The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 434) designating the week of February 10 through 16, 2008 as ''National Drug Prevention and Education Week.''

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

Mr. REID. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table with no intervening action or debate, and any statements relating to this matter be printed in the RECORD as if given.

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

The resolution (S. Res. 434) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 434

Whereas recent survey data suggests that illegal drug use among youth has declined by 24 percent since 2001;

Whereas, despite the reduction in drug use among youth, the number of 8th, 10th, and 12th graders who use drugs remains too high and the rates of prescription and over-the-counter drug abuse are alarming;

Whereas the overall rate of current illegal drug use among persons aged 12 or older is 8.3 percent, which has remained stable since 2002;

Whereas ecstasy (methylenedioxymethamphetamine, or MDMA) use among high school age youth has been rising since 2004;

Whereas, while methamphetamine use is down among 8th, 10th, and 12th graders, many counties across the country still report that methamphetamine is a serious drug problem;

Whereas 25 percent of youth in the 10th grade reported the use of marijuana during the past year;

Whereas youth who first smoke marijuana under the age of 14 are more than 5 times as likely to abuse drugs in adulthood;

Whereas nearly 6 percent of 12th graders have used over-the-counter cough and cold medications in the past year for the purpose of getting high;

Whereas Vicodin remains one of the most commonly abused drugs among 12th graders, with 1 in 10 reporting nonmedical use within the past year;

Whereas teenagers' and parents' lack of understanding of the potential harms of these powerful medicines makes it even more critical to raise public awareness about the dangers associated with their non-medical use;

Whereas the rates of use for any illegal drug are directly related to the perception of harm and social disapproval;

Whereas more than 20 years of research has demonstrated that prevention interventions, designed and tested to reduce risk and enhance protective factors, can help children at every step along their developmental path, from early childhood into young adulthood;

Whereas prevention efforts should be flexible enough to address and prevent local problems before they become national trends;

Whereas research has demonstrated that there are 4 major targets of prevention: youth, parents, schools (including colleges and universities), and communities and social environments that must be reinforced by each other to have the greatest effect in deterring the consequences of drug use;

Whereas a comprehensive blend of individually and environmentally focused efforts must be adopted and a variety of strategies must be implemented across multiple sectors of a community to reduce drug use;

Whereas community anti-drug coalitions are an essential component of any drug prevention and education campaign because they are data driven, know their community epidemiology, and are capable of understanding and implementing the multi-sector interventions required to reduce the availability and use of drugs;

Whereas community anti-drug coalitions help to change community norms, laws, policies, regulations, and procedures to create an environment that discourages the use of drugs;

Whereas school-based prevention programs should be part of a comprehensive community wide approach to deal with drug use;

Whereas the more successful we are at general prevention of drug use in younger adolescents, the less we will have to deal with the concomitant economic and societal consequences of their use;

Whereas the total economic cost of drug, alcohol, and tobacco abuse in the United States is more than $500,000,000,000;

Whereas the savings per dollar spent on substance abuse prevention rather than on substance abuse treatment are substantial, and can range from $2.00 to $20.00;

Whereas there will always be new and emerging drug trends that require additional prevention and education efforts;

Whereas preventing drug use before it begins and educating the public about the dangers of drug use is a critical component of what must be a consistent and comprehensive effort to stunt and decrease drug use rates throughout the country; and

Whereas thousands of community anti-drug coalition leaders and community based substance abuse prevention, treatment, and education specialists come to Washington, DC to receive state-of-the-art technical assistance, training, and education on drug prevention at the Community Anti-Drug Coalition of America's Annual National Leadership Forum in February: Now, therefore, be it

Resolved, That the Senate—

(1) designates the week of February 10–16, 2008, as ''National Drug Prevention and Education Week''; and

(2) urges communities, schools, parents, and youth to engage in, and carry out, appropriate prevention and education activities and programs to reduce and stop drug use before it starts.

DESIGNATING FEBRUARY 2008 AS ''GO DIRECT MONTH''

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 443.

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

The assistant legislative clerk read as follows:

A resolution (S. Res. 443) designating February 2008 as ''Go Direct Month.''

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

Mr. REID. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table.

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

The resolution (S. Res. 443) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 443

Whereas, in fiscal year 2007, nearly 60,000 checks issued by the Department of the Treasury, worth approximately $56,000,000, were endorsed by forgery;

Whereas the Department of the Treasury receives approximately 1,400,000 inquiries each year regarding problems with paper checks;

Whereas, each month, nearly 12,000,000 social security and other Federal benefit payments are made with checks;

Whereas the United States would generate approximately $132,000,000 in annual savings if all Federal benefit checks were paid by direct deposit;

Whereas the use of direct deposit is a more secure, reliable, and cost-effective method of payment than paper checks because the use of direct deposit—

(1) helps protect against identity theft and fraud;

(2) provides easier access to funds during emergencies and natural disasters; and

(3) provides the people of the United States with more control over their money;

Whereas the Department of the Treasury and the Federal Reserve Banks have launched *Go Direct*, a national campaign to motivate people who receive Federal benefit payments to use direct deposit to receive those payments;

Whereas *Go Direct* works with more than 1,100 partners across the Nation, including financial institutions, advocacy groups, and community organizations;

Whereas more than 130 financial institutions representing 25,000 branches nationwide participated in the 2007 ''*Go Direct* Champions'' competition to encourage the use of direct deposit among people who receive Federal benefit payments; and

Whereas more than 1,600,000 people in the United States have switched from paper checks to direct deposit to receive Federal benefit payments since *Go Direct* launched in the fall of 2004: Now, therefore, be it

Resolved, That the Senate—

(1) designates February 2008 as ''*Go Direct* Month'';

(2) supports the goals and ideals of the *Go Direct* campaign;

(3) commends Federal, State, and local governments, nonprofit agencies, and the private sector for promoting February as *Go Direct* Month; and

(4) encourages people in the United States who are eligible to receive social security or other Federal benefit payments to—

(A) participate in events and awareness initiatives held during the month of February with respect to using direct deposit;

(B) become informed about the convenience and safety of direct deposit; and

(C) consider signing up for direct deposit of social security or other Federal benefit payments.

THE STIMULUS PACKAGE

Mr. REID. Mr. President, before we leave, I want to say a couple of things.

It is a very important vote we have tomorrow. I want the Senate to know we have received support from all over the country on the Senate stimulus package. I picked two of these just to comment on at this time.

The Los Angeles Times editorial policy in recent years has not been very progressive in nature, but to date here is what they said:

It's looking all but certain that Congress will pass an economic stimulus bill before mid-February, which isn't necessarily good news. It's questionable whether handing taxpayers a few hundred bucks each would really jolt a sluggish economy, yet there's no doubt at all that it would increase an already scary national debt. Still, some stimuli are more appealing than others, and if we must have a bill, the Senate has a better plan than the House.

Among other things, this editorial says:

The Senate's plan extends unemployment insurance by an additional 13 weeks, provides rebate checks to about 20 million seniors living on Social Security and about 250,000 disabled veterans (neither group would get a penny under the House version), and expands home-heating subsidies. Jobless people and those on fixed incomes are much more likely to spend their rebate checks quickly than those in the middle class, so if the goal is to stimulate spending, this is precisely the population Congress should be targeting.

The Senate also addresses one of the biggest failings of last year's energy bill. Wind and solar power installations are growing at a sizzling pace, but that growth is fueled by production tax credits that expire at the end of next year. An extension was stripped from the energy bill because of an unrelated dispute over taxing oil companies. The credits must be extended as quickly as possible because investors won't pump money into clean power if there's a danger of losing their tax incentives. Renewable energy reduces reliance on foreign oil while cutting greenhouse gases and other pollutants; green technology is also an extremely promising growth industry that could help make up for the loss of manufacturing jobs.

The final paragraph of the editorial is as follows:

McCain has made much during the campaign about his determination to combat global warming. If he's the man of conviction he claims to be, he should return to Washington and back the Baucus bill.

That was the Los Angeles Times.

Mr. President, now the Arizona Republic, which is a very conservative publication. That is an understatement. But here is what they said:

The economic stimulus package from Congress needs some power. Renewable power. The plan should include an extension of tax credits for renewable-energy sources, such as wind, solar and geothermal.

We would get a three-for-one impact: creating jobs, diversifying our energy supply, and reducing pollution.

These aren't new tax credits. They're existing ones that are serving us well. Last year, nearly 6,000 megawatts of renewable energy came on line. That injected $20 billion into the economy. . . .

Mr. President, this bill that came out of the Finance Committee, which we will vote on tomorrow, is a good piece of legislation—the Arizona Republic, the Los Angeles Times—and we have had support from all over the country.

I will quote directly from the President's State of the Union Address when he said:

We should allow State housing agencies to issue tax free bonds to help homeowners refinance their mortgages. (Applause.)

This was greeted by applause.

These are difficult times for many American families, and by taking these steps, we can help more of them to keep their homes.

That is in our bill.

We are going to have an opportunity at a quarter to 6 tomorrow to vote on this package. We are not going to pick and choose which of these provisions on a bipartisan basis is placed in the bill. Are we going to throw overboard the seniors? No, they are part of the package. Are we going to throw under the bus disabled veterans? No. Are we going to do away with these business provisions that the business community loves because it will create jobs? Are we going to throw over the homebuilders who are in Washington trying to get this package passed? No. It is important. It is important because it will stop foreclosures. It will help an industry that is in peril. Are we going to tell people who are unemployed, some of whom have been unemployed for a long period of time, that we are not going to help them, we are going to strip them out of the package?

Everything we have in this bill is good. We have to go to conference anyway because there is a provision in here dealing with people who are undocumented and getting benefits.

This is a program, it is a package, it is a good package. That is why we have had support from all over the country as to how much better it is than the proposal we got from the House. Is there anything wrong with the House bill? No, not as far as it goes; it just didn't go far enough. Democrats will vote for this bill, all 51 Democrats will vote for this, but I plead with my Republican friends, this is an important piece of legislation, not for Democrats, not for Republicans, it is for the American people.

I was called by one of my Senators this afternoon. He said he talked with one of the Republican Senators, one of the senior Senators, and said: Can you support us? He said: No, I can't because the Republican leader said at our conference today that he thinks we will have an opportunity to put in the seniors.

Democrats are not willing to throw overboard the very needy people who we believe should be part of this package. It is a package and it is a good package. Are my Republican colleagues going to tell the unemployed it is unnecessary they get help? Are they going to tell the business community this is not necessary now? I am not going to go through all the provisions of the legislation, but it is good, it is a package. And my Republican colleagues, nine of them, we need nine of them. We know we have three from the Finance Committee, and I hope we have some other brave souls who will do the right thing for the American people and not follow the path that for 7 years has led this country into a period of where today—the last report I got is the Dow Jones was down about 350 points. Up and down—it is very bad for the economy.

My Republican colleagues should understand that the White House has done the country and not done the Republicans any favors during these past 7 years. The economy is in a deep trip south, and we have to do what we can to rectify that situation. It would help if we passed our package. I cannot imagine why they would keep walking over that cliff as a result of what this President is telling them to do. It is disaster for them. It is disaster for the American people. And nine of them should step forward and do the right thing.

Senator GRASSLEY supports this package. Senator GRASSLEY is one of the most conservative Members in this entire Senate. He is doing it because it is the right thing to do. This gentleman farmer is a great legislator. My Republican colleagues, support this man, support the ranking member of the Finance Committee. It would be good for our country, good for our economy.

ORDERS FOR WEDNESDAY, FEBRUARY 6, 2008

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 9:30 a.m. tomorrow; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day; there then be a period of morning business for up to 60 minutes, with Senators permitted to speak therein for up to 10 minutes each, the time equally divided and controlled between the two leaders or their designees, with the majority in control of the first half and the Republicans in control of the final half; that following morning business, the Senate resume consideration of S. 2248, the FISA bill.

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

PROGRAM

Mr. REID. Mr. President, with the agreement we just entered on the economic stimulus bill, there will be a rollcall vote at 5:45 p.m. on the cloture motion on the Finance amendment. In addition, Senators should be aware rollcall votes are possible earlier in the day. I would hope that is the case.

We don't have an agreement on FISA yet, but I have been given the assurance by my Republican colleagues that, for example, the amendment the

Presiding Officer and Senator SPECTER are going to offer should be debated tomorrow. There should be time before we have the 5:45 vote. We have a very important amendment to debate that has to be completed with Senator DODD and Senator FEINSTEIN regarding immunity. Senator FEINSTEIN has the ability to offer an amendment, and I hope we have votes on these and get rid of a lot of this tomorrow. We have been told the last few days that we could have some votes and we wind up not having votes, but I hope we can.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. REID. Mr. President, I now ask unanimous consent that the Senate stand adjourned under the previous order now before the Senate.

There being no objection, the Senate, at 7:23 p.m., adjourned until Wednesday, February 6, 2008, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate:

DEPARTMENT OF STATE

HUGO LLORENS, OF FLORIDA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF HONDURAS.

MARIANNE MATUZIC MYLES, OF NEW YORK, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF CAPE VERDE.

DEPARTMENT OF JUSTICE

CLYDE R. COOK, JR., OF NORTH CAROLINA, TO BE UNITED STATES MARSHAL FOR THE EASTERN DISTRICT OF NORTH CAROLINA FOR THE TERM OF FOUR YEARS, VICE CHARLES R. REAVIS.

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS THE VICE CHIEF OF STAFF, UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTIONS 601 AND 3034:

To be general

LT. GEN. RAYMOND T. ODIERNO, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be general

LT. GEN. MARTIN E. DEMPSEY, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. KATHLEEN M. GAINEY, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be major general

BRIG. GEN. SCOTT G. WEST, 0000

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. DARRELL L. MOORE, 0000

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. DERWOOD C. CURTIS, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. HARRY B. HARRIS, JR., 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. ELIZABETH A. HIGHT, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. JOHN M. BIRD, 0000

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

To be major

SAMUEL H. WILLIAMS, 0000

THE FOLLOWING NAMED INDIVIDUAL FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY DENTAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be major

MICHAEL R. BROOKS, 0000

THE FOLLOWING NAMED INDIVIDUAL FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL SERVICE CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be major

JAMES E. DAVIS, 0000

THE FOLLOWING NAMED INDIVIDUAL FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL SPECIALIST CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be lieutenant colonel

MICHAEL G. RYDER, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY DENTAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be colonel

MARVIN P. ANDERSON, 0000
JAMES W. BAIK, 0000
JOSEPH S. COWARD, 0000
DAVID FERGUSON, 0000
MARK R. GLEISNER, 0000
JULIO GONZALES III, 0000
ROBERT G. HALE, 0000
WILLIAM HANN, 0000
DAVID B. HEMBREE, 0000
WALTER A. HENRY, 0000
JEFFREY A. HODD, 0000
VALERIE E. HOLMES, 0000
AUBREY R. HOPKINS, JR., 0000
DAVID M. JEFFALONE, JR., 0000
CHRISTOPH I. LANGER, 0000
SUNG Y. LEE, 0000
RICHARD E. LYNNE, 0000
TROY MARBURGER, 0000
TIMOTHY A. MITCHENER, 0000
JOHN B. MOODY, 0000
JOSE E. OLAZAGASTI, 0000
DIANNE PANNES, 0000
GRANT A. PERRINE, 0000
ALBERT E. SCOTT, JR., 0000
GREGORY W. SILVER, 0000
DAVID C. SMISSON, JR., 0000
THOMAS S. SYMPSON, 0000
JAMES L. THOMPSON, 0000
ROBERT R. THRASHER, 0000
CRAIG P. TORRES, 0000
FRANKLIN E. TUTTLE, 0000
MARK V. VAIL, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be colonel

JOHN P. ALBANO, 0000
CHRISTINA M. BELNAP, 0000
DAVID M. BENEDEK, 0000
NANCY B. BLACK, 0000
EDWARD H. BOLAND, 0000
STEVEN J. BREWSTER, 0000
JOHN CARAVALHO, 0000
MELINDA A. CAVICCHIA, 0000
ARTHUR B. CHASEN, 0000
KENNETH H. CHO, 0000
FRANK L. CHRISTOPHER, 0000
JEFFREY L. CLEMONS, 0000
RODNEY L. COLDREN, 0000
TRINKA S. COSTER, 0000
THOMAS K. CURRY, 0000
RONALD D. DEGUZMAN, 0000
ARTHUR J. DELORIMIER, 0000
PAUL DUCH, 0000
NATHAN S. ELLIS, 0000
MICHAEL A. ESLAVA, 0000
LESLIE S. FOSTER, 0000
JAMES L. FURGERSON, 0000
ROGER A. GALLUP, 0000
DEAN A. GANT, 0000
ROBERT V. GIBBONS, 0000
THOMAS W. GIBSON, 0000
JOHN E. GLORIOSO, JR., 0000
ELIZABETH C. GOLLADAY, 0000
DOMINGO P. GONZALEZ, 0000
JESS A. GRAHAM, 0000
KURT W. GRATHWOHL, 0000
THOMAS W. GREIG, 0000
FERNANDO B. GUERENA, 0000
MARK D. HARRIS, 0000
BENJAMIN P. HARRISON, 0000
ERIC R. HELLING, 0000
JAVIER HERNANDEZ, 0000
CHRISTINA C. HILL, 0000
PEYTON H. HURT, 0000
LESLIE W. JACKSON, 0000
BOBBY W. JONES, 0000
RONALD P. KING, 0000
ANDREW J. KOSMOWSKI, 0000
RICHARD K. KYNION, 0000
ROBERT C. LADD, 0000
SARAH L. LENTZKAPUA, 0000
DALE H. LEVANDOWSKI, 0000
MICHAEL D. LEWIS, 0000
KENNETH K. LINDELL, 0000
ERIC T. LUND, 0000
WENDY MA, 0000
CHRISTIAN R. MACEDONIA, 0000
MICHAEL S. MACHEN, 0000
MAMMEN P. MAMMEN, JR., 0000
RODRIGO A. MARIANO, 0000
STEPHEN N. MARKS, 0000
ALBERT J. MARTINS, 0000
JEFFREY P. MAWHINNEY, 0000
GEORGE L. MAXWELL, 0000
GARNER P. MCKENZIE, 0000
EDWARD C. MICHAUD III, 0000
CAROL A. MOORES, 0000
ERIC D. MORGAN, 0000
FLETCHER M. MUNTER, 0000
KELLY A. MURRAY, 0000
JAMES M. NOLD, 0000
KEVIN C. OCONNOR, 0000
ERIC W. OLINS, 0000
HOLLY L. OLSON, 0000
PATRICK G. OMALLEY, 0000
DANIEL E. PARKS, 0000
PAUL F. PASQUINA, 0000
KRIS A. PETERSON, 0000
RICHARD P. PETRI, JR., 0000
MICHAEL L. PLACE, 0000
JAMES M. PTACEK, 0000
MARK M. REEVES, 0000
VERONICA J. ROOKS, 0000
DANIEL J. SCHISSEL, 0000
GUNTHER J. SHEN, 0000
ERIC E. SHUPING, 0000
HYUN S. SIM, 0000
NEIL H. SITENGA, 0000
DOUGLAS W. SODERDAHL, 0000
JOHN J. STASINOS, 0000
ALEXANDER STOJADINOVIC, 0000
MICHAEL J. SUNDBORG, 0000
JOSEPH B. SUTCLIFFE, 0000
DONALD L. TAILLON, 0000
MAUREEN L. TATE, 0000
CHARLES L. TAYLOR, 0000
KENNETH TRZEPKOWSKI, 0000
MANUEL VALENTIN, 0000
DAVID P. VETTER, 0000
DALE L. WALDNER, 0000
CRAIG R. WEBB, 0000
PAUL W. WHITECAR, 0000
ANDREW R. WIESEN, 0000
RICHARD K. WINKLE, 0000
KEITH J. WROBLEWSKI, 0000
VIRGINIA D. YATES, 0000
D0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL SPECIALIST CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be major

NICOLAS AGUILAR, 0000
RICHARD L. ANSCHUTZ, 0000
NORMAN W. AYOTTE, 0000
ROGER L. BALL, 0000
DAVID J. BAUDER, 0000
DANIEL J. BEQUILLARD, 0000
JAMES H. BOONE, 0000
NATHAN T. BOYKIN, 0000
STEVEN L. BRIGGS, 0000
BRIAN L. BURGEMASTER, 0000
RENEE E. COLE, 0000
MICHAEL J. COOTE, 0000
COLLEEN A. DANIELS, 0000
SEAN F. DELGREGO, 0000
GEORGE J. DEVITA, 0000
JULIANE L. DOUGLAS, 0000
DAVID N. FELTWELL, 0000
DANIEL P. FISHER, 0000
TIMOTHY J. FLAUGHER, 0000
BONNIE J. GARCIA, 0000
MICHAEL P. GARRISON, 0000
DEREK A. GEORGE, 0000

JEFFREY P. GODWIN, 0000
JOHN S. HAUCK, 0000
DANNY H. HEIDENREICH, 0000
DALE L. HERD, 0000
DARREN L. HIGHTOWER, 0000
OWEN T. HILL, 0000
LISA A. HIRN, 0000
AMY L. JACKSON, 0000
LARRY T. LONG, 0000
CHRISTOPHER A. LUSTER, 0000
TOBEN R. LYBARGER, 0000
CYNTHIA L. MCLEAN, 0000
DONNA F. MOULTRY, 0000
ELIZABETH E. PAINTER, 0000
PAUL R. PATTERSON, 0000
GREGORY M. POLLMAN, 0000
CHARLES D. QUICK, 0000
ELIZABETH A. REESE, 0000
DEJUANA L. RIAT, 0000
CHAD M. RODARMER, 0000
JULIE C. RYLANDER, 0000
DANA B. SCHAFFER, 0000
PAUL J. SCHILLACI, 0000
JOHN M. SLEVIN, 0000
BILL A. SOLIZ, 0000
TROY V. VAUGHN, 0000
GORDON R. WASHINGTON, 0000
BRENDA D. WHITE, 0000
D0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL SERVICE CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be major

DOREENE R. AGUAYO, 0000
FELY O. ANDRADA, 0000
CAZURRO M. ARROYO, 0000
WERNER J. BARDEN, 0000
JASON C. BARNHILL, 0000
RICHARD A. BARTON, JR., 0000
JOHN E. BEZOU, JR., 0000
KYLE P. BOURQUE, 0000
DIXIE D. BRAY, 0000
JILL E. BREITBACH, 0000
DAVID W. BRINES, 0000
MATTHEW L. BROWN, 0000
MICHAEL A. BUKOVITZ, 0000
GRAHAM T. BUNDY, 0000
KEITH M. BURNETTE, 0000
OSCAR A. CABRERA, 0000
ETHAN P. CARTER, 0000
ROBERT N. CARTER III, 0000
BRIAN CHAMPINE, 0000
TRISHA A. COBB, 0000
MICHAEL M. COE, 0000
TRACY A. COFFIN, 0000
DAVID B. COWGER, 0000
WILLIAM G. COX, JR., 0000
MATTHEW M. CURLEE, 0000
LAURA D. DEPALMA, 0000
CHARLES A. DITUSA, 0000
MARY T. DORRITIE, 0000
NICOLE M. DOYLE, 0000
CHRISTOPHER L. DURK, 0000
NATHAN K. DUTMER, 0000
DEBORAH A. ENGERRAN, 0000
YUN H. FAN, 0000
LOUIS D. FAUST, 0000
STEFAN FERNANDEZ, 0000
DARRYL A. FOREST, 0000
NATHANAEL C. FORRESTER, 0000
PHILLIP W. FRANKS, 0000
CHARLA E. GADDY, 0000
ROBERT A. GEDDIE, 0000
DANIEL W. GERSTENFIELD, 0000
JOHN D. GOETTE, JR., 0000
JEREMY L. GOODIN, 0000
MARIO K. GOULD, 0000
DAVID M. GROOM, 0000
JASON HALES, 0000
JAMES H. HALL, 0000
DEEPA HARIPRASAD, 0000
MARK S. HAYDEN, 0000
DARREN C. HICKS, 0000
CHARLOTTE L. HILDEBRAND, 0000
JEFFERY S. HOGUE, 0000
MICHELE E. HUDAK, 0000
BARRON K. HUNG, 0000
MARCUS A. HURD, 0000
DOMINICK J. IVENER, 0000
WADE D. JACKSON, 0000
RICHARD G. JARMAN III, 0000
THOMAS A. JARRETT, 0000
KENDA K. JEFFERSON, 0000
GEORGE M. JOHNSON, 0000
NICHOLAS E. JOHNSON, 0000
GEORGE H. KALLSTROM, 0000
BRADLEY D. LADD, 0000
ROBERT J. LANG, 0000
MELISSA R. LEE, 0000
GERALD P. LEWIS, 0000
DEIDRE B. LOCKHART, 0000
DEXTER L. LOVETT, 0000
WESLEY B. LUEG, 0000
KEVIN J. MAHONEY, 0000
TRANG N. MALONE, 0000
KURT N. MARTIN, 0000
RAYMOND MCCLENEN, 0000
RICHARD B. MCNEMEE, JR., 0000
TODD L. MCNIESH, 0000
PATRICK M. MCNUTT, 0000
DAVID M. MELTZER, 0000
BRADFORD T. MEMBEL, 0000
JOHN A. MERKLEY, 0000
TRACY MICHAEL, 0000
BILL D. MICHIE, JR., 0000
MATTHEW A. MOSER, 0000
JACQUELINE L. MOYER, 0000
GARY L. MURVIN, 0000
JOEL B. NEUENSCHWANDER, 0000
CHRISTOPHER L. NEWELL, 0000
JOHN G. NGUYEN, 0000
DAN F. OHAMA, 0000
BRIAN D. OLEARY, 0000
DEREK C. OLIVER, 0000
LIZA J. ONEAL, 0000
DENNIS J. OREILLY, 0000
CABRERA F. ORTIZ, 0000
MICHAEL D. PAGOTTO, 0000
ROBERT V. PARISH, 0000
MICHAEL D. PERKINS, 0000
ADAM J. PETERS, 0000
GORDON W. POMEROY, 0000
TYQUESE L. PRATTCHAMBERS, 0000
CORY P. PRICE, 0000
ROGER R. PRICE, 0000
DANIEL P. RABOIN, 0000
JENNIFER L. RAMEY, 0000
NATHAN C. RAUCH, 0000
COLLEEN M. REICHENBERG, 0000
KEVIN J. RIDDERHOFF, 0000
ROBLEY S. RIGDON, 0000
EDWIN H. RODRIGUEZROSA, 0000
MICHAEL D. RONN, 0000
THOMAS M. ROUNTREE, 0000
WILLIAM H. RUDDER III, 0000
GINNETTE RUTH, 0000
JOY A. SCHMALZLE, 0000
THOMAS W. SHERBERT, 0000
KIMBERLEE J. SHORT, 0000
JEREMIAH J. SIMPSON, 0000
ANDREW G. SIMS, JR., 0000
GARY D. SINCLAIR, 0000
DAVID C. SLOAN, 0000
JACOB C. SMITH, 0000
KIRSTEN S. SMITH, 0000
JON C. SONNEMAN, 0000
KENNETH D. SPICER, 0000
VEASNA T. SREY, 0000
JAMES G. STANLEY, 0000
HARRY M. STEWART, JR., 0000
RODERICK R. STOUT, 0000
GEORGE THORNE, 0000
STUART D. TYNER, 0000
JOHN A. URCIUOLI, 0000
MICHAEL C. VANHOVEN, 0000
CHALTU N. WAKIJRA, 0000
BRIAN J. WALLACE, JR., 0000
MICHAEL J. WATKINS, 0000
STACEY T. WEBB, 0000
CHAN L. WEBSTER, 0000
WILLIAM D. WHITAKER, 0000
ROBIN F. WILLIAMS, 0000
ABDUL R. WILLIS, 0000
GREGORY C. WILSON, 0000
MAX WU, 0000
MATTHEW M. WYATT, 0000
GEORGE J. ZECKLER, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY NURSE CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be major

ROY W. ALABRAN, 0000
KRISTIN D. AMEGIN, 0000
MARIE L. BANKS, 0000
MICHAEL W. BENTLEY, 0000
SHARON M. BLAIR, 0000
DANIEL A. BLAZ, 0000
TAMEKA D. BOWSER, 0000
DAVID F. BOYD III, 0000
SAMUEL A. BRACKEN, 0000
JODI L. BREHMER, 0000
JAMEY L. BROACH, 0000
CRAIG S. BUDINICH, 0000
BRETT G. BUEHNER, 0000
SEAN W. BURKE, 0000
JENNIFER R. BUTERA, 0000
DAVID A. CARTER, 0000
ADAM L. CHENEY, 0000
JACQUELINE A. CLEMENTS, 0000
JESSICA M. COUNTS, 0000
SHANE A. CRASK, 0000
KATE M. DISNEY, 0000
ANGELA M. DOWNS, 0000
ANA M. FOSTER, 0000
JIMMIE C. FOSTER, 0000
BRAD E. FRANKLIN, 0000
STACEY S. FREEMAN, 0000
SUSAN K. FRISBIE, 0000
REYES M. GARCIA, 0000
MATTHEW K. GARRISON, 0000
CATRACY R. GOODMAN, 0000
KEVIN GORMLEY, 0000
JAMES B. HACKER, 0000
MARC A. HAGGE, 0000
AARON W. HILDEBRAND, 0000
JOSEPH J. HOFFERT, 0000
TELESHIA L. HORTONHARGROVE, 0000
PAUL K. JENNINGS, 0000
GEORGE A. JOHNSON, 0000
DENAR D. JOYNER, 0000
JULIE H. JUDD, 0000
DEBORAH A. KAISER, 0000
CHARLES S. KUHENS, 0000
TERESA D. KUSTER, 0000
GREGORY L. LARA, 0000
MARKUS D. LEE, 0000
ALLAN L. LONG, 0000
ROBERT P. LONG II, 0000
RANAE T. LOWE, 0000
ALICIA A. MADORE, 0000
BERGEN C. MAHONEY, 0000
KENNEDY N. MBAJONAS, 0000
CANDACE A. MCNEIL, 0000
PAUL C. MICHAEL, 0000
KEVIN F. NICCUM, 0000
MICHAEL U. NNADOZIE, 0000
RACHEL E. PARK, 0000
JOSHUA D. PAUL, 0000
LORNA D. PEAY, 0000
BARRY P. RAINWATER, 0000
ERNESTO A. RAYMUNDO, 0000
MICHELLE M. RIPKA, 0000
THURMAN J. SAUNDERS, 0000
JOELLEN M. SCHIMMELS, 0000
AARON D. SEARS, 0000
TERESA J. SEXTON, 0000
HOLLY L. SHENEFIEL, 0000
ANN L. SIMPSON, 0000
SCOTT W. SMITH, 0000
JENNIFER V. SNELSON, 0000
BLESILDA M. SPRATLEY, 0000
SAUNDRA C. STINEHART, 0000
GUY G. STLOUIS, 0000
JERRY B. STOVER, 0000
HEATHER A. SUESCUN, 0000
JIMMIE J. TOLVERT, 0000
CLIFFORD E. VARNER, 0000
ELBA M. VILLACORTA, 0000
SARA I. VILLACORTA, 0000
DAVID A. VOLLBRECHT, 0000
KEVAN S. WEAVER, 0000
GORDON F. WEST, 0000
WILLIAM C. WHITACRE, 0000
HAROLD E. WILLIAMS, 0000
JOHN T. WILSON, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY VETERINARY CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be major

KRISTIN E. AGRESTA, 0000
ABBE D. AMES, 0000
NEEL I. AZIZ, 0000
JEREMY J. BEARSS, 0000
DALE R. BEEBE, 0000
TODD M. BELL, 0000
ROBIN L. BURKE, 0000
STEPHEN E. CASSLE, 0000
TROY D. CREASON, 0000
STEPHANIE E. FONSECA, 0000
MICHAEL D. HANSEN, 0000
KEVIN L. HINTON, 0000
PAUL J. HOLLIER, 0000
LUIS A. LUGOROMAN, 0000
SALVADOR N. NASSRI, 0000
JODI L. NICKLAS, 0000
ANGELA K. PARKER, 0000
MICHAEL R. POKRYFKE, 0000
OLIVIA PRICE, 0000
PATTI K. RICE, 0000
MICHELLE THOMPSON, 0000

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

BAMIDELE J. ABOGUNRIN, 0000
ROBERT J. ALLEN, 0000
DAWN R. ALONSO, 0000
OSCAR M. ALVAREZ II, 0000
CHARLES M. ANDREWS, JR., 0000
PHILIP G. ANTEKEIER, 0000
WILLIAM E. ARICK III, 0000
KENNETH L. ASBRIDGE III, 0000
RHESA J. ASHBACHER, 0000
HUGH L. ATKINSON, 0000
WILLIAM L. BABCOCK, JR., 0000
JAMES H. BAIN, 0000
RICHARD S. BARNES, 0000
JOHN B. BARRANCO, JR., 0000
ARA E. BARTON, 0000
GEORGE B. BEACH, 0000
GEORGE S. BENSON, 0000
CHARLES T. BERRY, 0000
JOHN R. BINDER III, 0000
HAYNESLY R. BLAKE, 0000
PETER S. BLAKE, 0000
BRIAN R. BLALOCK, 0000
DAVID H. BOHN, 0000
ANTHONY C. BOLDEN, 0000
DEMETRIUS J. BOLDUC, 0000
DAVID C. BORKOWSKI, 0000
RICHARD T. BRADY, 0000
DAVID R. BRAMAN, 0000
PAUL B. BRICKLEY, 0000
BRUCE L. BRIDGEWATER, 0000
CHRISTOPHER S. BROWN, 0000
HENRY D. BROWN, 0000
JOEL A. BURDETTE, 0000
HAROLD E. BURKE, 0000
GEORGE CADWALADER, JR., 0000
DANIEL T. CANFIELD, JR., 0000
CURTIS W. CARLIN, 0000
CLIFTON B. CARPENTER, 0000
JAMES C. CARROLL III, 0000
JOHN F. CARSON, JR., 0000
CHAD M. CASEY, 0000
PATRICK J. CASHMAN, 0000
GLEN B. CAULEY, 0000
ADAM L. CHALKLEY, 0000

BENJAMIN D. CHAPMAN, 0000
BRIAN S. CHRISTMAS, 0000
ROBERT M. CLARK, 0000
GREGORY J. CLARKE, 0000
JOSEPH R. CLEARFIELD, 0000
SCOTT B. CLIFTON, 0000
STEVEN K. COKER, 0000
LAWRENCE C. COLEMAN, 0000
RAFFORD M. COLEMAN, 0000
WILLIAM D. COLLIER, 0000
FRANK P. CONWAY, 0000
SCOTT E. CONWAY, 0000
CARL E. COOPER, JR., 0000
SCOTT A. COOPER, 0000
JAMES R. COPPERSMITH, 0000
ERIC M. CORCORAN, 0000
ELMER K. COUCH, 0000
RYAN L. COUGHLIN, 0000
STEPHEN J. CROW, 0000
JOHN W. CURRIE IV, 0000
RUSSELL J. CURTIS, 0000
NICHOLAS E. DAVIS, 0000
MICHAEL E. DEHNER, 0000
GARY E. DELGADO, 0000
WILLIAM L. DEPUE, JR., 0000
SCOTT T. DERKACH, 0000
SUNIL B. DESAI, 0000
GERT J. DEWET, 0000
CHARLES R. DEZAFRA III, 0000
THOMAS J. DODDS, 0000
EDWARD A. DONOVAN III, 0000
CRAIG R. DOTY, 0000
ROBERT D. DOZIER, 0000
ANDREW J. DRAKE, 0000
CURTIS V. EBITZ, JR., 0000
HAROLD B. EGGERS, 0000
JEFFREY A. EICHHOLZ, 0000
CHRISTIAN T. ELLINGER, 0000
JAMES B. ELLIS, 0000
KYLE B. ELLISON, 0000
DOUGLAS J. ENGEL, 0000
DAREN J. ERICKSON, 0000
JEFFREY R. ERTWINE, 0000
JAMES E. ERWIN III, 0000
CHRISTOPHER R. ESCAMILLA, 0000
ROBERT J. FAILS, 0000
PETER C. FARNUM, 0000
LY T. FECTEAU, 0000
FREDERICK G. FERARES, 0000
GREG A. FEROLDI, 0000
DOM D. FORD, 0000
KEITH A. FORKIN, 0000
MARTIN J. FORREST IV, 0000
JAMES W. FOSTER, 0000
MATTHEW J. FOWLER, 0000
THOMAS J. FREEL, 0000
ROBERT A. FREELAND, 0000
LLOYD D. FREEMAN, 0000
ALEX K. FULFORD, 0000
SEAN C. GALLAGHER, 0000
WILLIAM A. GALLARDO, 0000
EDWARD A. GARLAND, 0000
DANIEL W. GEISENHOF, 0000
WILLIAM W. GERST, JR., 0000
ERIC M. GILLARD, 0000
SCOTT A. GONDEK, 0000
WENDY J. GOYETTE, 0000
JEFFREY M. GRAHAM, 0000
DAVID I. GRAVES, 0000
MICHAEL T. GREENO, 0000
MICHAEL D. GRICE, 0000
JOSEPH S. GROSS, 0000
MATTHEW S. GROSZ, 0000
CHRISTOPHER R. HAASE, 0000
TERRY D. HAGEN, 0000
WILLIAM G. HALL, 0000
JON L. HALVERSON, 0000
JOHN P. HARLOW, 0000
MICHAEL J. HARMON, 0000
STUART M. HARNESS, 0000
ANDRE T. HARRELL, 0000
JOHN D. HARRILL III, 0000
KEVIN C. HARRIS, 0000
CHRISTIAN D. HARSHBERGER, 0000
CARLTON W. HASLE, 0000
SEAN D. HAYES, 0000
WESLEY T. HAYES, 0000
DANIEL P. HEALEY, 0000
CARL C. HENGER, 0000
RAPHAEL HERNANDEZ, 0000
JOHN B. HICKS, 0000
KARL E. HILL, 0000
PATRICK R. HITTLE, 0000
MICHAEL R. HODSON, 0000
MITCHELL L. HOINES, 0000
AARON B. HOLLAND, 0000
PIERRE G. HOLLIS, 0000
EVAN N. HOLT, 0000
BRIAN M. HOWLETT, 0000
COLT J. HUBBELL, 0000
MIKEL R. HUBER, 0000
NATHAN E. HUNTINGTON, 0000
CHRISTOPHER B. JACKSON, 0000
THOMAS C. JARMAN, 0000
DAVID K. JARVIS, 0000
EDWARD L. JEEP, 0000
JASON A. JOHNSTON, 0000
CHARLES E. JONES, JR., 0000
MICHAEL T. KAMINSKI, 0000
STEPHEN M. KAMPEN, 0000
KENNETH D. KARIKA, 0000
MATTHEW G. KELLY, 0000
THOMAS E. KERLEY, 0000
ROBERT L. KIMBRELL II, 0000
PATRICK S. KIRCHNER, 0000
BRENDAN M. KLAPAK, 0000
JOSEPH D. KLOPPEL, 0000
ERIK D. KOBS, 0000
WILLIAM S. KOHMUENCH, 0000
FRANKLIN P. KOLBE, 0000
MATTHEW J. KOLICH, 0000
STEVEN J. KOTANSKY, 0000
KURT E. KROGER, 0000
ADAM R. KUBICKI, 0000
STEPHEN C. LABRECHE, 0000
EDWARD T. LANG, 0000
STUART C. LANKFORD, 0000
ERIC R. LARSON, 0000
BRUCE W. LAUGHLIN, 0000
BRENT A. LAWNICZAK, 0000
WALTER S. LEE, JR., 0000
JASON D. LEIGHTON, 0000
RODNEY L. LEWIS, 0000
RAUL LIANEZ, 0000
MARK A. LISTER, 0000
ERIC S. LIVINGSTON, 0000
JOSHUA L. LUCK, 0000
RICHARD E. LUEHRS II, 0000
HENRY W. LUTZ III, 0000
ALISON J. MACBAIN, 0000
JASON R. MADDOCKS, 0000
SCOTT A. MADZIARCZYK, 0000
NATHAN C. MAKER, 0000
MICHAEL P. MANDEL, 0000
SHAWN E. MANSFIELD, 0000
RUBEN A. MARTINEZ, 0000
JOHN D. MARTINKO, 0000
KEVEN W. MATTHEWS, 0000
JOSEPH E. MAYBACH, 0000
DAVID H. MAYHAN, 0000
CLYDE D. MAYS, 0000
PATRICK S. MCDONIEL, 0000
ROGER T. MCDUFFIE, 0000
KRISTA A. MCKINLEY, 0000
MARIA S. MCMILLEN, 0000
CHESTER L. MCMILLON, 0000
CHARLES F. MEGOWN, 0000
BOYD A. MILLER, 0000
DANIEL E. MILLER, 0000
THOMAS P. MITALSKI, 0000
MICHAEL S. MOLLOHAN, SR., 0000
MICHEL W. MONBOUQUETTE, 0000
MICHAEL C. MONTI, 0000
DEREK T. MONTROY, 0000
KEITH F. MOORE, 0000
JERRY R. MORGAN, 0000
PAUL T. MORGAN, 0000
ROBERT S. MORGAN, 0000
DAVID C. MORRIS, 0000
THOMAS J. NAUGHTON, JR., 0000
BRIAN W. NEIL, 0000
RICHARD F. NEITZEY, 0000
CHANDLER S. NELMS, 0000
JULIE L. NETHERCOT, 0000
JONATHAN E. NEUMAN, 0000
JOHN M. NEVILLE, JR., 0000
ANDREW M. NIEBEL, 0000
EDWARD W. NOVACK, 0000
MICHAEL J. ONEIL, 0000
GEORGE R. OPRIA, 0000
JOHNJOHN E. ORILLE, 0000
JOHN C. OSBORNE, JR., 0000
JOHN J. OTOOLE III, 0000
VAUGHN M. PANGELINAN, 0000
SCOTT A. PAYNE, 0000
RICHARD E. PETERSEN, 0000
ROBERT S. PETERSON, 0000
RONALD J. PETERSON, 0000
TOLAN M. PICA, 0000
SCOTT E. PIERCE, 0000
RAYMOND J. PLACIENTE, 0000
DARRELL W. PLATZ, 0000
RICARDO T. PLAYER, 0000
JOHN R. POLIDORO, JR., 0000
FORREST C. POOLE III, 0000
MICHAEL A. PURCELL, 0000
SEAN P. QUIGLEY, 0000
TODD P. RAMPEY, 0000
WILLIAM P. RAYFIELD, 0000
CHARLES A. REDDEN, 0000
MATTHEW S. REID, 0000
KEVIN P. REILLY, 0000
THOMAS J. REPETTI, SR., 0000
MATTHEW B. REUTER, 0000
ROBERT C. RICE, 0000
WILLIAM G. RICE IV, 0000
CHRISTOPHER S. RICHIE, 0000
RYAN S. RIDEOUT, 0000
MARK F. RIEDY, 0000
STEVEN ROBINSON, 0000
EDWARD J. RODGERS, 0000
KARL C. ROHR, 0000
ERIC J. ROPELLA, 0000
GARY D. ROTSCH, 0000
JAMES K. ROUDEBUSH, 0000
JEFFREY N. RULE, 0000
BRIAN G. SANCHEZ, 0000
ELEAZAR O. SANCHEZ, 0000
PETER K. SCHIEFELBEIN, 0000
RICHARD A. SCHILKE, 0000
PAUL M. SCHIMPF, 0000
JAMES A. SCHNELLE, 0000
ROBERT W. SCHRODER, 0000
ROBERT E. SCHUBERT, JR., 0000
JEFFERY SCHULMAN, 0000
MICHAEL E. SCHUTTE, 0000
MICHAEL B. SCHWEIGHARDT, 0000
DOUGLAS J. SCOTT, 0000
KEVIN R. SCOTT, 0000
CHANDLER P. SEAGRAVES, 0000
MATTHEW K. SEIPT, 0000
JONATHAN W. SELBY, 0000
WILLIAM D. SHANNON, 0000
DALE E. SHORT, 0000
TIMOTHY A. SILKOWSKI, 0000
TODD P. SIMMONS, 0000
MICHAEL S. SIMS, 0000
COLIN D. SMITH, 0000
SAMUEL H. SMITH, 0000
MICHAEL J. SOBKOWSKI, JR., 0000
ALAN W. SOLTER, 0000
ANTHONY M. SPARAGNO, JR., 0000
SEAN R. STALLARD, 0000
ROBERT T. STANFORD, 0000
MARK J. STANTON, 0000
MICHAEL C. STARLING, 0000
SCOTT P. SUCKOW, 0000
FARRELL J. SULLIVAN, 0000
MICHAEL J. SUTHERLAND, 0000
LELAND W. SUTTEE, 0000
PATRICIO A. TAFOYA, 0000
MICHAEL C. TAYLOR, 0000
MONTE D. TENKLEY, 0000
JOHN D. THURMAN, 0000
CLAY C. TIPTON, 0000
JEFFERY J. TLAPA, 0000
JOHN C. TREPKA, 0000
JOHN S. TURNER, 0000
SCOTT E. UKEILEY, 0000
CARLOS O. URBINA, 0000
GABRIEL L. VALDEZ III, 0000
MICHAEL K. VANNEST, 0000
STEPHEN K. VANRIPER, 0000
MICHAEL C. VARICAK, 0000
JOHN F. VAZQUEZ, 0000
LUIS E. VILLALOBOS, 0000
SALVATORE VISCUSO III, 0000
DEAN J. VRABLE, 0000
RHETT J. VRANISH, 0000
JASON E. WALDRON, 0000
RICHARD E. WALKER III, 0000
IAN S. WALLACE, 0000
WILLIAM M. WANDO, 0000
HENRY D. WEEDE, 0000
THOMAS A. WELBORN, 0000
DONALD D. WELCH, JR., 0000
AREND G. WESTRA, 0000
MARTIN F. WETTERAUER III, 0000
JEROME S. WHALEN, 0000
ROBERT S. WHITE, 0000
STEVEN J. WHITE, 0000
ZACHARY M. WHITE, 0000
JOSEPH D. WILLIAMS, 0000
ROBERT H. WILLIS, JR., 0000
JUSTIN W. WILSON, 0000
PETER C. WILSON, 0000
DEVIN A. WINKLOSKY, 0000
CRAIG C. WIRTH, 0000
BENJAMIN Z. WOODWORTH, 0000
JASON G. WOODWORTH, 0000
TROY V. WRIGHT, 0000
WILLIAM WROTEN, JR., 0000
JAY D. WYLIE, 0000
JOHN W. YARGER, 0000
WILLIAM W. YATES, 0000
DAVID J. YOST, 0000
DEVIN C. YOUNG, 0000
BRIAN J. ZACHERL, 0000
PHILLIP M. ZEMAN, 0000
JAY K. ZOLLMANN, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be major

BERCH H. ABBOTT, 0000
MICHAEL J. ACOSTA, 0000
OLUFUNMIKE F. ADEYEMI, 0000
RICHARD J. ALDERSON, 0000
RORY L. ALDRIDGE, 0000
NORRIS J. ALEXANDER, 0000
ROBERT J. ALLEN, 0000
WILLIAM B. ALLEN IV, 0000
BRETT A. ALLISON, 0000
JOSE E. ALMAZAN, 0000
JOSHUA D. ANDERSON, 0000
SETH E. ANDERSON, 0000
STEVEN S. ANDREWS, 0000
ROBERT G. ANTOLINO, 0000
AARON P. ANTRIM, 0000
JEREMY D. ANZEVINO, 0000
MICHAEL W. ARMISTEAD, 0000
STEPHANIE R. ARNDT, 0000
JASON D. ARTHAUD, 0000
ERNEST L. ASHLEY, 0000
DANIEL J. ATKINSON, 0000
CHARLES T. ATWOOD, 0000
PAUL D. AVELLINO, 0000
DAVID W. BAAS, 0000
THOMAS N. BALL, 0000
GEORGE A. BANCROFT II, 0000
JOHN C. BANTON, 0000
JAMES T. BARDO, 0000
TYRRELL L. BARGER, 0000
JEFFERY D. BARKER, 0000
STEFAN R. BARR, 0000
RAYMOND J. BARRIOS, JR., 0000
GENE D. BARTON, 0000
GREGORY S. BATTAGLIA, 0000
JEFFREY D. BAUER, 0000
GEOFFREY H. BAUM, 0000
JOHN S. BAXTER, 0000
BENJAMIN A. BEARD, 0000
JEREMY W. BEAVEN, 0000
RUSSELL W. BECKER, 0000
MICHAEL A. BECKHART, 0000
PAUL G. BEEMAN, 0000
MELANIE R. BELLCARTER, 0000
DAVID J. BENNETT, 0000
JEFFREY P. BENTZ, 0000

DANIEL L. BERZACK, 0000
GREGORY S. BIAGI, 0000
EDWARD M. BIEL, 0000
JAMES S. BIRGL, 0000
JOHN W. BLACK, 0000
MATTHEW R. BLACK, 0000
MICHAEL G. BLACKFORD, 0000
LIONEL B. BLACKMAN, 0000
STEPHEN W. BLACKMARR, 0000
CINDIEMARI BLAIR, 0000
PAUL J. BLAIR, 0000
MICHAEL D. BLAKEMORE, 0000
CHRISTOPHER G. BLALOCK, 0000
JAMES A. BLANFORD, 0000
CHARLES J. BLUME, 0000
MARK D. BLYDENBURGH, 0000
HUNTLEY J. BODDEN, 0000
CHRISTOPHER J. BOESE, 0000
JASON J. BOGDEN, 0000
PHILLIP R. BONINCONTRI, 0000
JASON A. BOROVIES, 0000
MARK D. BORTNEM, 0000
BRADFORD L. BOTANES, 0000
TRENT L. BOTTIN, 0000
JOHN C. BOWES, 0000
RYAN F. BOYLE, 0000
JAMES H. BRADY, 0000
MICHAEL A. BRAGG, 0000
STEVEN R. BRAND, 0000
MICHAEL P. BRENNAN, 0000
VINCENT H. BRIDGEMAN, 0000
LEONEL O. BRITO, JR., 0000
TRAVIS K. BRITTAIN, 0000
JEFFREY S. BROCKMEIER, 0000
JEREMY D. BROCKMEIER, 0000
MARK J. BROEKHUIZEN, 0000
GARY D. BROOKS, 0000
IAN P. BROOKS, 0000
CHRISTOPHER P. BROWN, 0000
JEFFREY D. BROWN, 0000
MARK C. BROWN, 0000
MARVEN W. BROWN, 0000
MATTHEW A. BROWN, 0000
WILLIAM P. BROWN, JR., 0000
THOMAS A. BROWNE, JR., 0000
VINTON C. BRUTON IV, 0000
JEFFREY H. BUFFA, 0000
TATE A. BUNTZ, 0000
JONATHAN P. BURGESS, 0000
ANTHONY W. BURGOS, 0000
MARCO A. BURGOS, 0000
JOSEPH P. BURKE, 0000
BRENDAN C. BURKS, 0000
WENDY A. BURRELL, 0000
ROBERT L. BURTON, 0000
KIRK J. BUSH, 0000
LEROY B. BUTLER, 0000
MICHAEL D. BUTLER, 0000
TRAVIS L. BUTTS, 0000
PATRICK B. BYRNE, 0000
DOMINICK J. BYRNES, 0000
DUSTIN J. BYRUM, 0000
MICHAEL T. CABLE, 0000
PABLO J. CABRERA, 0000
ANDRES H. CACERESSOLARI, 0000
AMY S. CAHOON, 0000
JOHN O. CALDWELL, 0000
JONATHAN L. CAMARILLO, 0000
MARK C. CAMERON, 0000
STEPHEN T. CAMPBELL, 0000
DUSTIN J. CANESTORP, 0000
CHRISTOPHER J. CANNON, 0000
MATTHEW P. CAPODANNO, 0000
STEPHEN J. CARL, JR., 0000
ROBERT S. CARLBORG, 0000
ROBERT E. CARLSON, JR., 0000
BRODIE R. CARMICHAEL, 0000
EDWARD H. CARPENTER, 0000
WALTER G. CARR, 0000
SEAN P. CARROLL, 0000
RICHARD A. CARY, 0000
DANIEL T. CELOTTO, 0000
ADRIAN R. CHAMBERS, 0000
MATTHEW C. CHAMBLISS, 0000
MELISSA D. CHESTNUT, 0000
GEORGE O. CHRISTEL, 0000
DANNY S. CHUNG, 0000
DARIN A. CHUNG, 0000
KEVIN M. CHUNN, 0000
BRIAN G. CILLESSEN, 0000
CHAD B. CIPPARONE, 0000
JON W. CLANTON, JR., 0000
ERICK T. CLARK, 0000
SAM A. CLARK, 0000
CRAIG M. CLARKSON II, 0000
THOMAS J. CLEAVER, 0000
ROBERT T. CLEMENS, 0000
WILLIAM G. CLESTER, 0000
JEFFREY S. CLOUD, 0000
CHRISTOPHER M. COBLE, 0000
KIMBERLY L. COLEY, 0000
RIGOBERTO G. COLON, 0000
LOUIS COLTER III, 0000
RYAN B. COLVERT, 0000
STEPHEN J. CONLEY, 0000
MICHAEL B. CONNALLY, JR., 0000
CRAIG C. CONNELL II, 0000
DOUGLAS A. COOK, 0000
TIMOTHY J. COOPER, 0000
BILLY R. CORNELL, 0000
JAHOSAME COTTO, 0000
CLAYTON A. CRAIG, 0000
JOSEPH W. CRANDALL, 0000
ROBERT J. CRAWFORD, JR., 0000
CHRISTOPHER F. CRIM, 0000
ALEX M. CROSS, 0000
CLINTON M. CROSSER, 0000
MELISSA L. CROSSON, 0000
DEREK M. CROUSORE, 0000
JASON S. CRUMBACHER, 0000
BERT W. CRUZ, 0000
URBANO CRUZ, 0000
ZACHARY P. CURRY, 0000
JONATHAN E. CURTIS, 0000
RICHARD J. CUSHING, 0000
MATTHEW J. CUTLER, 0000
PETER E. DAHL, 0000
LANCE C. DAVIS, 0000
PATRICK B. DAVIS, 0000
RODNEY J. DEAN II, 0000
DAVID K. DECARION, 0000
JEFFREY S. DECKER, 0000
RICHARD C. DEGUZMAN, 0000
MICHAEL P. DELPALAZZO, 0000
JEREMY S. DEMOTT, 0000
JEREMY D. DEMPSEY, 0000
PAUL J. DETAR, 0000
MICHAEL A. DETTORE, 0000
JEREMY G. DEVEAU, 0000
RAVI S. DHARNIDHARKA, 0000
FRANCIS S. DIAZ, 0000
LAWRENCE S. DIBBLE, 0000
JOHN M. DIETZ, 0000
ROBERT F. DINERO, 0000
ANDREW C. DIRKES, 0000
KYLE H. DITTO, 0000
JOHN D. DIXON, 0000
VINCENT K. DIXON, 0000
JACKSON T. DOAN, 0000
SHAUN W. DOHENEY, 0000
KENNETH P. DOLAN, 0000
ERIC P. DOMINIJANNI, 0000
KIMBERLY A. DONAHUE, 0000
JASON E. DONOVAN, 0000
TIMOTHY P. DORAN, 0000
LISA M. DORING, 0000
JAMES S. DORLON, 0000
AARON M. DOTY, 0000
HAROLD E. DOWLING, JR., 0000
KATHARINE M. DOYLE, 0000
OLIVER B. DREGER, 0000
DANIEL J. DROSTE, 0000
JARED R. DUFF, 0000
JAYSON L. DURDEN, 0000
NATHAN DYE, 0000
SEAN P. DYNAN, 0000
JAMES W. EAGAN III, 0000
LAUREN S. EDWARDS, 0000
RANDOLPH EDWARDS, 0000
JASON D. EGAN, 0000
DAVID I. EICKENHORST, 0000
CASEY D. ELAM, 0000
THOMAS E. ELDERS, 0000
PATRICK F. ELDRIDGE, 0000
WILLIAM W. ELLIOTT III, 0000
SEAN M. ELWARD, 0000
ROBERT H. EMERSON, 0000
DAVID C. EMMEL, 0000
JASON E. ENGSTROM, 0000
PHILIP B. ERDIE, 0000
THOMAS ESPINOSA, 0000
JACOB O. EVANS, 0000
MICHAEL C. EVANS, 0000
WADE E. EVANS, 0000
ROY H. EZELL III, 0000
CHRISTOPHER L. FAIN, 0000
WADE W. FAIRBANKS, 0000
JOHN A. FALLON, 0000
PATRICK T. FAYE, 0000
NATHAN L. FENELL, 0000
EDWARD R. FERGUS, 0000
DAIL T. FIELDS, 0000
MARCOS A. FIGUEROA, 0000
NEAL V. FISHER II, 0000
KARIN R. FITZGERALD, 0000
ROBERT E. FLANNERY, 0000
MARY K. FLATLEY, 0000
CHAD M. FLEMING, 0000
JOHN T. FLEMING, 0000
CHRISTOPHER M. FLOOM, 0000
MATTHEW D. FLOTO, 0000
SHANE R. FLOYD, 0000
CHRIS M. FOLEY, 0000
THEODORE J. FOLSOME, 0000
GERARD V. FONTENOT, 0000
JIMMY C. FORBES, 0000
STEPHEN K. FORD, 0000
DIONNE V. FOSTER, 0000
WENDELL E. FOSTER, JR., 0000
HARRY L. FOWLER III, 0000
ANTHONY A. FRANK, 0000
HENRY J. FRANK, 0000
JASON S. FREEBY, 0000
STEVEN J. FREESE, 0000
CHAD R. FRENCH, 0000
CHARLES W. FRETWELL, 0000
SHAYNE M. FREY, 0000
LEROY K. FRIESEN, 0000
KELLY FRUSHOUR, 0000
NATHAN H. FRYE, 0000
STUART J. FUGLER, 0000
MICHAEL G. GAFFNEY, JR., 0000
DANIEL J. GASKELL, 0000
TODD C. GATES, 0000
MICHAEL A. GAVIN, 0000
GREIG T. GEHMAN, 0000
STEPHEN A. GENTILE, 0000
JOHN M. GIANNELLA, 0000
JOHN C. GIANOPOULOS, 0000
ANTHONY E. GIARDINO, 0000
JAMES R. GIBSON, 0000
BRYANT O. GILCHRIST, 0000
CHAD M. GINDER, 0000
KENNETH K. GOEDECKE, 0000
PAUL J. GOGUEN, 0000
CARLOS V. GOMEZ, 0000
ANTHONY R. GOODE, 0000
RONNIE L. GOODE II, 0000
GREGORY P. GORDON, 0000
LUTHER A. GOVE, 0000
ERNEST GOVEA, 0000
RICHARD E. GRAHAM III, 0000
WILLIAM A. GRANT III, 0000
LAWRENCE B. GREEN II, 0000
ROBERT B. GREEN, 0000
BRIAN D. GREENE, 0000
BRYAN A. GREY, 0000
JENNIFER L. GRIEVES, 0000
ERIC L. GRIGGS, 0000
KEVIN S. GRINDEL, 0000
ADAM T. GROSS, 0000
CHRISTOPHER L. GRUBB, 0000
STEPHEN S. GRUBBS, 0000
STEPHEN F. GRUSENMEYER, 0000
SHAWN P. GRZYBOWSKI, 0000
MIGUEL A. GUERRA, 0000
ANTHONY J. GUESSJOHNSON, 0000
JOHNNY GUTIERREZ, 0000
ADAM M. GUTSHALL, 0000
JASON S. GUTTENBERG, 0000
DOUGLAS W. GWINN, 0000
CHRISTOPHER M. HAAR, 0000
MICHAEL J. HABBA, 0000
TROY A. HADSALL, 0000
JOHN W. HALL, 0000
KEVIN J. HALPIN, 0000
JONATHAN B. HAMILTON, 0000
DARRYL G. HAMMONDS, 0000
DONALD W. HARLOW, 0000
DOMINIC J. HARRIS, 0000
FRANCIS G. HARRIS, 0000
RYAN J. HART, 0000
BRIAN M. HARVEY, 0000
WILLIAM T. HARVEY, 0000
DOUGLAS C. HATCH, 0000
JOHN F. HAVENER III, 0000
KENNETH V. HAWKINS, 0000
JAMES C. HAYNIE, 0000
MICHAEL S. HAYS, JR., 0000
JASON A. HAYUNGS, 0000
TYLER W. HEAD, 0000
THEODORE M. HEADLEY, 0000
GRANT R. HEINRICHS, 0000
MICHAEL F. HELT, 0000
MARTIN L. HEMBREE, 0000
DANIEL C. HENCH, 0000
JOHN K. HENDERSON, 0000
TERRANCE P. HENRY, 0000
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PETER G. HERRMANN, 0000
JOHN S. HERWICK III, 0000
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PAUL J. HILLIARD, 0000
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WYNN D. HODGINS, 0000
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TODD C. HOLLAND, 0000
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PETER D. HOUTZ, 0000
ERIK P. HOVEY, 0000
CARRIE M. HOWE, 0000
STUART H. HOWELL, 0000
CHAD M. HUBBARD, 0000
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DONALD A. HUDSON, 0000
SCOTT A. HUESING, 0000
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MATTHEW G. HUMPHREY, 0000
BRIAN E. HUTCHERSON, 0000
ROBERTO L. IBARRA, 0000
IVAN F. INGRAHAM, 0000
ANDRE M. INGRAM, 0000
RAQUEL M. INMAN, 0000
JOSEPH R. JACKSON, 0000
KHIEEM JACKSON, 0000
GALEN T. JAMES, 0000
JOHN J. JAMES, 0000
HEATH B. JAMESON, 0000
JAMES L. JANAY, 0000
CHRISTOPHER L. JANECEK, 0000
RYAN P. JANOSEK, 0000
DANIEL R. JARL, 0000
JAMES D. JARVIS, 0000
JEREMY E. JEFFREY, 0000
JOSEPH M. JENNINGS, 0000
ADAM L. JEPPE, 0000
GREG R. JOHNSON, 0000
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LEE A. JOHNSON, 0000
ROBERT D. JOHNSON, 0000
DAVID L. JONES, 0000
JOHNNIE D. JONES, JR., 0000
QUINTIN D. JONES, 0000
RANDALL K. JONES, 0000
REX G. JONES, JR., 0000
JOEL D. JOWERS, 0000
SEAN P. JOYCE, 0000
BRIAN M. KACZOROWSKI, 0000

ALLEN A. KAGEN, 0000
JOSEPH A. KATZ, 0000
DOV KAWAMOTO, 0000
JAMES T. KAY, 0000
HENRY H. KAYSER, 0000
MARTIN P. KAZANJIAN, 0000
ERIC J. KECK, 0000
JONATHAN R. KEHR, 0000
JAMES D. KEITH, 0000
CHRISTIAN M. KELLEY, 0000
MICHAEL P. KELLEY, 0000
GHYNO G. KELLMAN, 0000
AMY A. KELLSTRAND, 0000
SCOTT J. KELLY, 0000
ANTHONY A. KERCH, 0000
MATTHEW J. KESSLER, 0000
JAMES A. KIDD, 0000
JOSHUA M. KIIHNE, 0000
TRAVIS M. KING, 0000
STEPHEN A. KINTZLEY, 0000
BENJAMIN K. KIRBY, 0000
WILLIAM C. KIRBY, 0000
ANDREW T. KIRKPATRICK, 0000
CHRISTOPHER R. KNARR, 0000
HYONSU KO, 0000
CHARLES J. KOCH, 0000
JAMES M. KOEHLER, 0000
CHRISTOPHER R. KOTLINSKI, 0000
NATHAN S. KRICK, 0000
ANTHONY G. KROCKEL, 0000
KEVIN K. KUGINSKIE, 0000
TIMOTHY A. KULL, 0000
MICHAEL F. KUTSOR, 0000
DAVID W. LABALLE II, 0000
ERIC H. LADSON, 0000
DAVID D. LANCASTER, 0000
JEFFREY A. LANDIS, 0000
WACO LANE, 0000
JASON C. LANG, 0000
JAY A. LAPPE, 0000
DAVID J. LAUGHLIN, 0000
RICHARD J. LAVIOLLETTE, 0000
ERIC J. LAZALDE, 0000
RYAN C. LEAMAN, 0000
LOUIS B. LECHER, 0000
BRADLEY M. LEDBETTER, 0000
CHRISTOPHER D. LEGERE, 0000
JAMES R. LENARD, 0000
BARTOSZ M. LESNIEWICZ, 0000
JAMES A. LESTER, 0000
RICHARD P. LETELLIER, 0000
ADAM LEVINE, 0000
MARTIN R. LEWIS, 0000
BRYAN D. LIESKE, 0000
DANIEL E. LINDBLOM, 0000
PATRICK S. LINDSTROM, 0000
KEVIN A. LIPSKI, 0000
MICHAEL A. LITTLE, 0000
MICHAEL P. LIVINGSTON, 0000
JOSEPH M. LIZARRAGA, 0000
RONALD L. LOBATO, 0000
EDWARD A. LOFLAND, 0000
ANTHONY W. LOIGNON, 0000
KEVIN J. LOLLMANN, 0000
TROY T. LOWE, 0000
CHRISTOPHER R. LUCAS, 0000
GREGORY A. LUSK, 0000
CHRISTOPHER D. LUTHER, 0000
ROBERT P. LYNCH, 0000
STEAN W. MAAS, 0000
JOHN R. MACFARLANE IV, 0000
ALASDAIR B. MACKAY, 0000
TODD E. MAHAR, 0000
MARCUS J. MAINZ, 0000
WILLIAM G. MANGUS III, 0000
DAVID L. MANKA, 0000
MELANIE J. MANN, 0000
PATRICK G. MANSON, 0000
NICHOLAS A. MARCIANO, 0000
OSCAR MARIN, JR., 0000
JENNIFER L. MARINO, 0000
SCOTT I. MARKER, 0000
JOHN A. MARKSBURY, 0000
WILLIAM W. MARLOWE, 0000
NOAH G. MARQUARDT, 0000
HARRY S. MARSHALL, JR., 0000
MERIDITH L. MARSHALL, 0000
MELISSA MARTIN, 0000
RICHARD C. MARTIN, JR., 0000
RICHARD M. MARTIN, 0000
ALBERTO MARTINEZDIAZ, 0000
DENNIS J. MARTINO, 0000
NICHOLAS A. MARTZ, 0000
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MICHAEL F. MASTRIA, 0000
PAUL M. MATTEAR, 0000
ROGER E. MATTIOLI, 0000
JEFFREY S. MATTOON, 0000
PERRY D. MAURER, JR., 0000
TIMOTHY R. MAYER, 0000
DANIEL C. MAZE, 0000
RYAN P. MCAFEE, 0000
BRIAN W. MCBRAYER, 0000
ZACHARY A. MCCARLEY, 0000
MARK D. MCCARROLL, 0000
TODD D. MCCARTHY, 0000
RYAN R. MCCASKILL, 0000
REGINALD J. MCCLAM, 0000
BRENT H. MCCLELLAN, 0000
STEPHEN N. MCCLUNE, 0000
DONALD M. MCCOWAN, 0000
WILLIAM A. MCFARLAND, 0000
JON P. MCFAUL, 0000
THOMAS B. MCGEE, 0000
BRETT T. MCGINLEY, 0000
BRETT W. MCGREGOR, 0000
AARON P. MCGREW, 0000
ERIN K. MCHALE, 0000
JASON A. MCHUEN, 0000
PHILIP G. MCKENZIE, 0000
NOWELL C. MCKNIGHT, 0000
BRIAN D. MCLEAN, 0000
PATRICK M. MCMAHON, 0000
WINSTON G. MCMILLAN, 0000
ANTHONY F. MCNAIR, 0000
JOHN P. MCSHANE, 0000
JIM A. MCSHEA, 0000
RUGSITHI D. MEELARP, 0000
BRUCE J. MELVILLE, 0000
ALBERT R. MENDOZA, JR., 0000
JOSE D. MENJIVAR, 0000
ROBERT K. MERHIGE II, 0000
MATTHEW J. MERRILL, 0000
CHRISTOPHER M. MESSINEO, 0000
CHRISTOPHER J. MEYER, 0000
WILLIAM D. MIDGETT, 0000
ANDREW J. MILLER, 0000
DOUGLAS R. MILLER, 0000
KATHRYN I. MILLER, 0000
WILLIAM B. MILLETT III, 0000
ANTHONY R. MITCHELL II, 0000
EDWARD C. MITCHELL, 0000
RICHARD C. MITCHELL, 0000
JASON A. MITZEL, 0000
JOSEPH A. MLAKAR, 0000
JOHN A. MODER, 0000
SUNNY M. MONTAS, 0000
CHAD E. MONTGOMERY, 0000
DERWIN L. MOODY, 0000
STEVIE T. MOORE, 0000
JASON D. MORGAN, 0000
RYAN M. MORNING, 0000
PHILLIP W. MORRIS, 0000
GREGORY D. MORRISON, 0000
EDDIE MOSS, JR., 0000
JESSICA J. MULLEN, 0000
MICHAEL P. MURPHY, 0000
MICHAEL G. MURRAY II, 0000
JASON R. MURTHA, 0000
JENNIFER A. NASH, 0000
PATRICK J. NASH, 0000
WILLIAM H. NASH, 0000
JUAN M. NAVARRO, 0000
OSCAR D. NELSON, JR., 0000
PATRICK NELSON, 0000
RORY L. NICHOLS, 0000
JOHNATHAN A. NORRIS, 0000
RONALD E. NORRIS, JR., 0000
DAVID K. NORTON, 0000
JOSEPH C. NOVARIO, 0000
OWEN J. NUCCI, 0000
KEITH G. NUNN, 0000
TIMOTHY N. NUTTER, 0000
ALPHONSO D. OATES II, 0000
DAVID M. OBRIEN, 0000
MICHAEL E. OGDEN, 0000
MICHAEL P. OHLEGER, JR., 0000
CHARLES S. ONEILL, 0000
ROGELIO S. OREGON, 0000
PAUL J. OVALLE, 0000
JULIAN M. OWEN, 0000
RICHARD W. OWEN III, 0000
TOMOMI J. OWENS, 0000
WILLIAM C. PACATTE, 0000
GREGORY B. PACE, 0000
DAVID L. PADILLA, 0000
DAVID C. PALM, 0000
MATTHEW P. PALMISCIANO, 0000
MELISSA D. PALMISCIANO, 0000
BRYANT J. PATER, 0000
KATRINA D. PATILLO, 0000
BRYAN H. PATON, 0000
EARL H. PATTERSON V, 0000
GREGORY J. PAWSON, 0000
DAVID N. PAYNE, 0000
JACK D. PEARCE, 0000
JOHN L. PEARSON, 0000
CHRISTOPHER W. PEHRSON, 0000
CARRIE M. PENDROY, 0000
JASON L. PERCY, 0000
JOSE A. PEREZ, 0000
TRACY A. PERRY, 0000
SOULYNAMMA D. PHARATHIKOUNE, 0000
MICHAEL C. PHERSON, 0000
STEVEN A. PHILIPP, 0000
KYLE G. PHILLIPS, 0000
MARIANELA G. PICKETT, 0000
JOSHUA M. PIECZONKA, 0000
ERIC J. PIPER, 0000
STEPHEN M. PIRROTTA, 0000
ADAM W. PITNEY, 0000
BOLIVAR P. PLUAS, 0000
DONALD H. PORTER III, 0000
ANTHONY E. PREBE, 0000
JOHN P. PRICE, 0000
SHANE A. PRICE, 0000
RYAN T. PRINCE, 0000
DONALD J. PRITCHARD, 0000
JAMES S. PRYOR, 0000
DONN E. PUCA, 0000
TROY M. PUGH, 0000
BRENT C. PURCELL, 0000
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ANDREW J. PUSHART, 0000
BRADLEY A. RAKOV, 0000
ALAN L. RAMSEY, 0000
GARRETT V. RANDEL III, 0000
GARRICK D. RARD, 0000
KRAIG M. RAUEN, 0000
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JOSEPH W. RAY, 0000
CHARLES C. READINGER, 0000
TIMOTHY J. REAZOR, 0000
SCOTTIE S. REDDEN, 0000
CARL B. REDDING, JR., 0000
THEODORE T. REDDINGER, 0000
RONALD E. REED, 0000
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GEORGE F. RENIERS, 0000
JAVIER A. REYES, 0000
MARCUS J. REYNOLDS, 0000
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JOSEPH P. RILEY, 0000
MATTHEW T. RING, 0000
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DONALD L. ROBBINS III, 0000
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ADAN R. RODRIGUEZ, 0000
FRANCISCO RODRIGUEZ, 0000
JUAN C. RODRIGUEZ, 0000
DAVID T. ROEN II, 0000
BRIAN A. ROLF, 0000
CLYMOUTH S. ROOS, 0000
KEVIN R. ROOT, 0000
CHARLES E. ROUNDS III, 0000
WILLIAM M. ROWLEY, 0000
VICTOR M. RUBLE, 0000
JASON M. RUEDI, 0000
JUSTIN L. RUIZ, 0000
DEVIN A. RULLMAN, 0000
RICHARD M. RUSNOK, 0000
SAMUEL P. RUSSELL, 0000
BRYAN A. RUTH, 0000
ROBERT P. RUTTER IV, 0000
MATTHEW W. RYAN, 0000
SHEREL L. RYAN, 0000
JONATHAN Y. SABADO, 0000
JEREMIAH SALAME, 0000
ARMANDO SALINAS, 0000
MICHAEL L. SALISBURY, 0000
DANE A. SALM, 0000
MUSA A. SAMAD, 0000
BRADLEY J. SAMS, 0000
DANIEL J. SANCHEZ, JR., 0000
JOHN N. SAND, 0000
BENJAMIN D. SANDERS, 0000
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JUSTIN G. SANTARIGA, 0000
ALPHONSO D. SAVAGE, 0000
GLENN D. SAVAGE, 0000
JEREMY N. SAVAGE, 0000
CRAIG E. SCHAFFNER, 0000
ERIC X. SCHANER, 0000
JOEL I. SCHARLAT, 0000
JASON A. SCHEWE, 0000
MARK T. SCHNAKENBERG, 0000
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PETER L. SCHNURR, 0000
JESSE C. SCHOSSOW, 0000
MATTHEW T. SCHRAMM, 0000
DAVID A. SCHREINER, 0000
TOD A. SCHROEDER, 0000
ALAN L. SCHULLER, 0000
STEVEN E. SCHULTZE, 0000
RYAN E. SCOTT, 0000
CHAD W. SEAGREN, 0000
BRAD R. SEAVER, 0000
DOUGLAS A. SEICH, 0000
JAMES R. SEMMENS, 0000
RAYMOND Z. SERVANO III, 0000
RYAN E. SHADLE, 0000
CASEY D. SHEA, 0000
SHANNON M. SHEA, 0000
JUDE C. SHELL, 0000
TEDD R. SHIMP, 0000
SCOTT M. SHUSTER, 0000
THOMAS N. SIBLEY, 0000
JEREMY W. SIEGEL, 0000
JEFFERY A. SIERPIEN, 0000
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EDWARD J. SILVA, 0000
SCOTT P. SILVIA, 0000
DEWAYNE SIMMONS, 0000
JONATHAN N. SIMS, 0000
CARL E. SITHER, 0000
JESSE L. SJOBERG, 0000
MICHAEL J. SKINKLE, 0000
JOHN P. SKUTCH, 0000
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MONTI S. SMITH, 0000
WILLIAM F. SMITH, JR., 0000
THOMAS D. SMOLENSKI, 0000
STEVEN C. SNEE, 0000
DEREK M. SNELL, 0000
DANIEL H. SNYDER, 0000
SHARIF A. SOKKARY, 0000
PAUL A. SOTOMAYOR, 0000
NOAH M. SPATARO, 0000
MICHAEL A. SPEARS, 0000
SPENCER M. SPEER, 0000
CHARLES S. SPRIETSMA, 0000
MAX STAPP, JR., 0000
GIUSEPPE A. STAVALE, 0000
CHRISTOPHER T. STEELE, 0000
IAN D. STEVENS, 0000
MARK N. STEWART, 0000
MATTHEW J. STEWART, 0000
JARED K. STONE, 0000
JAMES R. STOVER, 0000
BRIAN L. STRACK, 0000

DANIEL A. STRELKAUSKAS, 0000
JEFFREY R. STROHMAIER, 0000
NATHANIEL B. STUSSE, 0000
GREGORY J. SUMMA, 0000
STEVEN M. SUTEY, 0000
DAVID C. SZWED, 0000
JAMES S. TANIS, 0000
JAMES R. TAYLOR, 0000
KEITH W. TAYLOR, 0000
MICHAEL R. TAYLOR, 0000
PAUL C. TEACHEY, 0000
JOSE M. TEE, 0000
JEFFREY B. TENNEN, 0000
KOHTARO TERAHIRA, 0000
TIMOTHY M. THEERMAN, 0000
HARRY F. THOMAS, JR., 0000
ROBERT B. THOMAS, 0000
GARY D. THOMPSON, 0000
JEREMY W. THOMPSON, 0000
RICHARD J. THOMPSON, 0000
SUZAN F. THOMPSON, 0000
DUSTIN R. THORN, 0000
DOUGLAS M. THUMM, 0000
JAYSON M. TIGER, 0000
CHRISTOPHER B. TIMOTHY, 0000
KARL TINSON, 0000
CHRISTOPHER D. TOLLIVER, 0000
JASON C. TORBENSEN, 0000
BYRON J. TORKE, 0000
RODNEY L. TOWERY, 0000
WYETH M. TOWLE, 0000
SARAH E. TRAGORD, 0000
DENNIS C. TROGUS, 0000
BRAD E. TROXEL, 0000
NGUYEN K. TSAN, 0000
JASON K. TUBBS, 0000
TADD J. TURCZYN, 0000
JAMES D. TURNER III, 0000
MICHAEL W. TYRA, 0000
CESAR A. UNZUETA, 0000
THEODORE F. VANBRUNT, 0000
JONATHAN H. VAUGHN, 0000
LUIS VAZQUEZ, 0000
JAVIER E. VEGA, 0000
LARRY W. VINES, 0000
KRISTIAN A. VONHEIMBURG, 0000
JAMIE L. WAGNER, 0000
JONATHAN C. WAITE, 0000
KENNETH R. WALDEN, 0000
GILES D. WALGER, 0000
CURTIS L. WALKER, 0000
DAVID W. WALKER, 0000
BRADLEY W. WARD, 0000
RYAN B. WARD, 0000
KEITH P. WARREN, 0000
PERRY D. WATERS, 0000
TIMOTHY J. WATKINS, 0000
TERRANCE D. WATSON, 0000
CLINTON J. WEBER, 0000
MICHAEL B. WEBER, 0000
WILLIAM D. WEBER, 0000
LEE M. WEINER, 0000
ROBERT J. WEINGART, 0000
OLGIERD J. WEISS III, 0000
LAWRENCE H. WENTZELL, 0000
CHRISTOPHER M. WESTHOFF, 0000
DAVID E. WESTIN, 0000
LLOYD H. WHITE, JR., 0000
TAYLOR P. WHITE, 0000
MICHAEL J. WIERSON, 0000
GARY W. WILDS, 0000
DAVID A. WILEMON, 0000
WALTER A. WILKIE, 0000
SCOTT E. WILLETTE, 0000
BRUCE K. WILLIAMS III, 0000
DERICK C. WILLIAMS, 0000
MARLIN D. WILLIAMS, 0000
SHAWN E. WILLIAMS, 0000
VAUGHN R. WILLIAMS, 0000
CHRISTOPHER D. WILLS, 0000
CHRISTOPHER M. WILSEY, 0000
ANDREW S. WILSON, 0000
BENJAMIN F. WILSON IV, 0000
LAWRENCE E. WILSON II, 0000
PRESCOTT N. WILSON, 0000
SEAN M. WILSON, 0000
DANIEL R. WINKELER, 0000
JASON M. WINTERMUTE, 0000
JEREMY S. WINTERS, 0000
JEFFREY P. WITHERELL, 0000
SETH WOLCOTT, 0000
HOWARD H. WOLFE III, 0000
BARIAN A. WOODWARD, 0000
GARNETT H. WOODY, 0000
DAVID J. WRIGHT, 0000
JIAN XU, 0000
FLOY A. YATES, JR., 0000
TAMMIE S. YEATS, 0000
TODD E. YEATS, 0000
LEE A. YORK, 0000
JOSEPH L. YOSKOVICH, 0000
ALAN T. YOUNG, 0000
DARON A. YOUNGBERG, 0000
MARK W. ZANOLLI, 0000
ROYCE D. ZANT III, 0000
TIMOTHY R. ZELEK, 0000
SEAN P. ZICKERT, 0000
BRIAN M. ZIEGLER, 0000
MARK D. ZIMMER, 0000

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

RODERICK A. BACHO, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

KELLY R. MIDDLETON, 0000

CORRECTION

Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S613–S678

Measures Introduced: Two bills and one resolution were introduced, as follows: S. 2592–2593, and S. Res. 443. **Page S658**

Measures Reported:

S. 310, to express the policy of the United States regarding the United States relationship with Native Hawaiians and to provide a process for the recognition by the United States of the Native Hawaiian governing entity. (S. Rept. No. 110–260)

S. 1892, to reauthorize the Coast Guard for fiscal year 2008, with amendments. (S. Rept. No. 110–261) **Page S658**

Measures Passed:

Lease Extensions: Committee on Indian Affairs was discharged from further consideration of S. 2457, to provide for extensions of leases of certain land by the Mashantucket Pequot (Western) Tribe, and the bill was then passed, after agreeing to the following amendment proposed thereto: **Page S670**

Reid (for Lieberman) Amendment No. 3988, to prohibit gaming activities on certain land. **Page S670**

National Drug Prevention and Education Week: Committee on the Judiciary was discharged from further consideration of S. Res. 434, designating the week of February 10–16, 2008, as ''National Drug Prevention and Education Week'', and the resolution was then agreed to. **Page S671**

Go Direct Month: Senate agreed to S. Res. 443, designating February 2008 as ''Go Direct Month.''. **Page S671**

Measures Considered:

Recovery Rebates and Economic Stimulus for the American People Act: Senate continued consideration of the motion to proceed to consideration of H.R. 5140, to provide economic stimulus through recovery rebates to individuals, incentives for business investment, and an increase in conforming and FHA loan limits, agreeing to the motion to proceed thereon, began consideration of the bill, and taking action on the following amendments proposed thereto: **Pages S626–39, S655–56**

Pending:

Reid Amendment No. 3983, of a perfecting nature. **Page S656**

Reid Amendment No. 3984 (to Amendment No. 3983), to change the enactment date. **Page S656**

Motion to commit the bill to the Committee on Finance, with instructions to report back forthwith, with Reid Amendment No. 3985, to establish the enactment date. **Page S656**

Reid Amendment No. 3986 (to the instructions of the Reid motion to commit), to change the enactment date. **Page S656**

Reid Amendment No. 3987 (to Amendment No. 3986), to change the enactment date. **Page S656**

A motion was entered to close further debate on Amendment No. 3983 (listed above), and, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, and pursuant to the unanimous-consent agreement of Tuesday, February 5, 2008, a vote on cloture will occur at 5:45 p.m., on Wednesday, February 6, 2008. **Page S656**

During consideration of this measure today, Senate also took the following action:

By 73 yeas to 12 nays (Vote No. 6), Senate agreed to the motion to instruct the Sergeant at Arms to request the attendance of absent Senators. **Page S623**

A unanimous-consent agreement was reached providing for further consideration of the bill at approximately 4:30 p.m., on Wednesday, February 6, 2008. **Page S656**

FISA Amendments Act: Senate continued consideration of S. 2248, to amend the Foreign Intelligence Surveillance Act of 1978, to modernize and streamline the provisions of that Act, taking action on the following amendments proposed thereto: **Pages S639–55**

Pending:

Rockefeller/Bond Amendment No. 3911, in the nature of a substitute. **Pages S639–40**

Whitehouse Amendment No. 3920, to provide procedures for compliance reviews.

Feingold Amendment No. 3979, to provide safeguards for communications involving persons inside the United States.

Cardin Amendment No. 3930, to modify the sunset provision.

Feingold/Dodd Amendment No. 3915, to place flexible limits on the use of information obtained using unlawful procedures.

Feingold Amendment No. 3913, to prohibit reserve targeting and protect the rights of Americans who are communicating with people abroad.

Pages S640–41

Feingold/Dodd Amendment No. 3912, to modify the requirements for certifications made prior to the initiation of certain acquisitions. **Pages S641–44**

Dodd Amendment No. 3907, to strike the provisions providing immunity from civil liability to electronic communication service providers for certain assistance provided to the Government.

Pages S644–47

Bond/Rockefeller Modified Amendment No. 3938 (to Amendment No. 3911), to include prohibitions on the international proliferation of weapons of mass destruction in the Foreign Intelligence Surveillance Act of 1978. **Page S647**

Bond/Rockefeller Modified Amendment No. 3941 (to Amendment No. 3911), to expedite the review of challenges to directives under the Foreign Intelligence Surveillance Act of 1978. **Pages S647–48**

A unanimous-consent agreement was reached providing for further consideration of the bill at approximately 10:30 a.m., on Wednesday, February 6, 2008. **Page S672**

Nominations Received: Senate received the following nominations:

Hugo Llorens, of Florida, to be Ambassador to the Republic of Honduras.

Marianne Matuzic Myles, of New York, to be Ambassador to the Republic of Cape Verde.

Clyde R. Cook, Jr., of North Carolina, to be United States Marshal for the Eastern District of North Carolina for the term of four years.

4 Army nominations in the rank of general.

1 Marine Corps nomination in the rank of general.

4 Navy nominations in the rank of admiral.

Routine lists in the Army, Marine Corps, Navy.

Pages S673–78

Additional Cosponsors: **Pages S658–59**

Statements on Introduced Bills/Resolutions: **Pages S659–62**

Additional Statements: **Page S658**

Amendments Submitted: **Pages S662–70**

Notices of Hearings/Meetings: **Page S670**

Authorities for Committees to Meet: **Page S670**

Quorum Calls: One quorum call was taken today. (Total—1) **Page S624**

Record Votes: One record vote was taken today. (Total—6) **Page S624**

Adjournment: Senate convened at 10 a.m. and adjourned at 7:23 p.m., until 9:30 a.m. on Wednesday, February 6, 2008. (For Senate's program, see the remarks of the Majority Leader in today's Record on pages S672–73.)

Committee Meetings

(Committees not listed did not meet)

SUBCOMMITTEE ASSIGNMENTS

Committee on Armed Services: Committee announced the following subcommittee assignments:

Subcommittee on Airland: Senators Lieberman (Chairman), Akaka, Bayh, Clinton, Pryor, Webb, McCaskill, Cornyn, Warner, Inhofe, Sessions, Chambliss, and Wicker;

Subcommittee on Emerging Threats and Capabilities: Senators Reed (Chairman), Kennedy, Byrd, Nelson (FL), Nelson (NE), Bayh, Clinton, Dole, Warner, Collins, Graham, Cornyn, and Martinez;

Subcommittee on Personnel: Senators Nelson (NE) (Chairman), Kennedy, Lieberman, Webb, McCaskill, Graham, Collins, Chambliss, and Dole;

Subcommittee on Readiness and Management Support: Senators Akaka (Chairman), Byrd, Bayh, Clinton, Pryor, McCaskill, Thune, Inhofe, Chambliss, Dole, and Wicker;

Subcommittee on Seapower: Senators Kennedy (Chairman), Lieberman, Reed, Akaka, Nelson (FL), Webb, Martinez, Warner, Sessions, Collins, and Cornyn;

Subcommittee on Strategic Forces: Senators Nelson (FL) (Chairman), Byrd, Reed, Nelson (NE), Pryor, Sessions, Inhofe, Graham, and Thune.

Senators Levin and McCain are ex-officio members of each of the Subcommittees.

2009: BUDGET

Committee on the Budget: Committee concluded a hearing to examine the President's proposed budget for fiscal year 2009, after receiving testimony from Jim Nussle, Director, Office of Management and Budget.

2009: BUDGET

Committee on Finance: Committee concluded a hearing to examine the President's proposed budget for fiscal year 2009, after receiving testimony from Henry M. Paulson, Jr., Secretary, Department of the Treasury.

VETERANS' DISABILITY COMPENSATION

Committee on Veterans' Affairs: Committee concluded an oversight hearing to examine veterans' disability compensation, after receiving testimony from Ruth A. Fanning, Director, Vocational Rehabilitation and Employment Service, Veterans Benefits Administration, and Kristin Day, LCSW, Chief Consultant, Care Management and Social Work, Veterans Health Administration, both of the Department of Veterans Affairs; James Rothrock, Virginia Department of Rehabilitative Services, and Linda Winslow, National Rehabilitation Association, both of Richmond, Virginia; Dorcas R. Hardy, DRHardy and Associates, Spotsylvania, Virginia; and John Lancaster, National Council on Independent Living, Douglas B. Carmon, Easter Seals, Inc., and Richard Daley, Paralyzed Veterans of America, all of Washington, D.C.

WORLD THREATS

Select Committee on Intelligence: Committee concluded a hearing to examine the current and projected national security threats, after receiving testimony from Mike McConnell, Director, National Intelligence; Michael Hayden, Director, Central Intelligence Agency (CIA); Robert S. Mueller, III, Director, Federal Bureau of Investigation (FBI), Department of Justice; Randall M. Fort, Assistant Secretary of State for Intelligence and Research; and Lieutenant General Michael D. Maples, Director, Defense Intelligence Agency, Department of Defense.

INTELLIGENCE

Select Committee on Intelligence: Committee held closed hearings on intelligence matters, receiving testimony from officials of the intelligence community.

House of Representatives

Chamber Action

The House was not in session today. The House is scheduled to meet at 2 p.m. on Wednesday, February 6, 2008, pursuant to the provisions of H. Con. Res. 279.

Committee Meetings

No committee meetings were held.

COMMITTEE MEETINGS FOR WEDNESDAY, FEBRUARY 6, 2008

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Armed Services: to hold hearings to examine the defense authorization request for fiscal year 2009, the future years defense program, and for operations in Iraq and Afghanistan, 9:30 a.m., SD–106.

Committee on the Budget: to hold hearings to examine the President's Fiscal Year 2009 budget and revenue proposals, 10 a.m., SD–608.

Committee on Energy and Natural Resources: to hold hearings to examine the President's proposed budget estimates for fiscal year 2009 for the Department of Energy, 10 a.m., SD–366.

Committee on Environment and Public Works: to hold hearings to examine perspectives on the Surface Transportation Commission report, 10 a.m., SD–406.

Full Committee, business meeting to consider S. 2146, to authorize the Administrator of the Environmental Protection Agency to accept, as part of a settlement, diesel emission reduction Supplemental Environmental Projects, 10:05 a.m., SD–406.

Committee on Finance: to hold hearings to examine the President's proposed budget for fiscal year 2009, 10 a.m., SD–215.

Committee on Foreign Relations: to hold hearings to examine the Six Party Talks for the denuclearization of the Korean Peninsula, 9:30 a.m., SD–419.

Full Committee, to hold hearings to examine the nominations of Margaret Scobey, of Tennessee, to be Ambassador to the Arab Republic of Egypt, James Francis Moriarty, of Massachusetts, to be Ambassador to the People's Republic of Bangladesh, and Deborah K. Jones, of New Mexico, to be Ambassador to the State of Kuwait, all of the Department of State, 1 p.m., SD–419.

Full Committee, to receive a closed briefing on Sudan, 3 p.m., S–116, Capitol.

House

Committee on Appropriations, Subcommittee on Defense, executive, on F–15 Aircraft, 10 a.m., and executive, briefing on World-Wide Threat, 1:30 p.m., H–140 Capitol.

Committee on Armed Services, hearing on Fiscal Year 2009 National Defense Budget Request from the Department of Defense, 1 p.m., 2118 Rayburn.

Committee on Foreign Affairs, Subcommittee on Africa and Global Health, hearing on the Political Crisis in Kenya: A Call for Justice and Peaceful Resolution, 10 a.m., 2200 Rayburn.

Committee on Natural Resources, hearing on the following bills: H.R. 2176, To provide for and approve the settlement of certain land claims of the Bay Mills Indian Community; and H.R. 4115, To provide for and approve the settlement of certain land claims of the Sault Ste. Marie Tribe of Chippewa Indians, 2 p.m., 1324 Longworth.

Committee on Rules, to consider H.R. 4137, College Opportunity and Affordability Act of 2007, 5 p.m., H–313 Capitol.

Next Meeting of the SENATE

9:30 a.m., Wednesday, February 6

Senate Chamber

Program for Wednesday: After the transaction of any morning business (not to extend beyond 60 minutes), Senate will continue consideration of S. 2248, FISA Amendments Act. Also, at 4:30 p.m., Senate will continue consideration of H.R. 5140, Recovery Rebates and Economic Stimulus for the American People Act, and vote on the motion to invoke cloture on Reid Amendment No. 3983 at 5:45 p.m.

Next Meeting of the HOUSE OF REPRESENTATIVES

2 p.m., Wednesday, February 6

House Chamber

Program for Wednesday: To be announced.

Congressional Record

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