United States of America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 110th CONGRESS, SECOND SESSION

Vol. 154 WASHINGTON, WEDNESDAY, FEBRUARY 6, 2008 No. 19

# House of Representatives

The House met at 2 p.m. and was called to order by the Speaker pro tempore (Mr. BAIRD).

## DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
*February 6, 2008.*

I hereby appoint the Honorable BRIAN BAIRD to act as Speaker pro tempore on this day.

NANCY PELOSI,
*Speaker of the House of Representatives.*

## PRAYER

Dr. Stephen L. Swisher, Lovers Lane United Methodist Church, Dallas, Texas, offered the following prayer:

Dear God, in this moment may we encounter a fresh experience with You.

Give us peace in the uncertainty of this election season and renewed strength as we remember those who sent us here. We know in our hearts that without Your guidance we can do nothing, but with You we can do all things.

Let us not be afraid of the problems that challenge us but instead be grateful that You have called us to make a difference at this time in history.

I pray Your blessings of health, happiness, and protection upon each Member of the United States House of Representatives, their families, and staff members as well.

In times of frustration, may we know that You are with us and ready to help, if we will ask.

May we be emboldened by the thought that as individuals we represent various cities, counties, and States, but together we stand for the greatest Nation ever created.

In Jesus' name. Amen.

## THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

## PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Florida (Mr. MILLER) come forward and lead the House in the Pledge of Allegiance.

Mr. MILLER of Florida 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.

## CITY OF SHAME: BERKELEY, CALIFORNIA

(Mr. POE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. POE. Mr. Speaker, Berkeley, California, has fallen off the deep end, and it wasn't caused by an earthquake either.

The city council passed a resolution telling the local United States Marine Corps recruiting station that it was ''not welcome in the city, and if recruiters choose to stay, they do so as uninvited and unwelcome intruders.''

Mayor Tom Bates said, ''The Marines don't belong here, they shouldn't have come here, and they should leave.''

Shame on Mayor Bates. He has flippantly and pompously denounced those noble few—the proud—the chosen—the Marines that represent everything that is good and right about America. These defenders of democracy deserve better than Berkeley's arrogant disapproval.

These deplorable anti-Marine city council members must still have a sixties peacenik, hippie mentality that world peace can occur by sitting around smoking dope and banging on the tambourine.

Berkeley should lose all Federal funding for their smug denouncement of the Marine Corps. Patriotic Americans should not subsidize cities that tell the Marines to ''get out of town.''

And as for the Marines, we'll take them all in Texas. We'll have a parade, fly the flag, and sing the Marine Hymn. So Semper Fi.

And that's just the way it is.

## MEDICARE ENTITLEMENT REFORM

(Mr. MILLER of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MILLER of Florida. Mr. Speaker, during this election season, political candidates will address every issue in the room except for the 800-pound gorilla. Medicare is rapidly growing in our Federal budget.

Just last week, Medicare trustees again reminded Congress that Medicare is projected to draw more than 45 percent of its funding from the general government revenue, as opposed to the Medicare trust fund.

If Congress doesn't start to make some changes, the program will face over $34 trillion in unfunded obligations over the next 75 years, which is nearly seven times the size of outstanding public debt today. This rapid growth in Medicare expenditures is fiscally unsustainable.

Mr. Speaker, both liberal and conservative policy analysts, along with the GAO, have been warning Congress of the much-needed entitlement reform. Who else must weigh in on the issue before Congress will start addressing comprehensive Medicare reform?



Printed on recycled paper.

## CAPITAL GAINS

(Mr. HERGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HERGER. Mr. Speaker, unless Congress acts, in 3 short years capital gains taxes will jump from 15 percent to 20 percent. Tax increases, as Democrats would allow, send the wrong messages to businesses facing economic uncertainty.

But what does this mean for working Americans? Simply put, fewer jobs as employers make tough decisions about hiring and retention. Some say tax relief costs too much, but history since 2002 shows otherwise. Lower rates have unlocked billions in gains, boosting Federal revenues far beyond Congress' projections which were made based on higher tax rates.

Lower taxes, higher revenues, and greater growth for our economy and for the American workers, Congress should keep the capital gains rates constant.

## HONORING FORMER OREGONIAN KEVIN BOSS

(Ms. HOOLEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. HOOLEY. Mr. Speaker, I rise today to congratulate the New York Giants on their upset of the New England Patriots to win Super Bowl XLII.

With hometown pride in representing Monmouth and Philomath, I want to congratulate the Giants' starting tight end in the Super Bowl, Kevin Boss, a graduate of Philomath High and Western Oregon University.

Kevin was drafted as a backup to the Giants' four-time Pro Bowl tight end Jeremy Shockey, but was thrust into the spotlight late in the season when Shockey broke his leg.

It is apt that friends gathered at Rookies' in Monmouth to cheer their local son to victory. The Boss, as he is known, may be a rookie, but no one would have realized it from watching Sunday night's game.

His biggest mark in the Super Bowl came when he caught a 45-yard pass, setting up the Giants' first touchdown of the game to take a 10–7 lead in the fourth quarter.

Despite being about as far away from New York as one can be in the United States, the towns of Philomath and Monmouth couldn't be more proud.

## BERKELEY'S ACTIONS OFFENSIVE

(Mr. SAM JOHNSON of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SAM JOHNSON of Texas. Mr. Speaker, you all know the Marine Corps Hymn. It starts, ''From the halls of Montezuma to the shores of Tripoli, we fight our country's battles in the air, on land, and sea.''

Sadly, now the Marines have a new fight in the City of Berkeley. Recently, the city council voted to declare that a Marine recruiting station is ''not welcome in the city.''

To rub salt in the wound, the council then granted carte blanch to the radical protest group Code Pink. The disappointing and despicable actions of the Berkeley council are sad, shameful, and sickening. Some would call it treasonous.

Marines volunteer to serve their country and spill their blood for this Nation. Berkeley ought to show more respect for our Armed Forces.

The Marines' motto, ''Semper Fidelis,'' is ''Always Faithful.'' Although Berkeley may not be faithful to the Marines, I can guarantee you that the City of Berkeley wouldn't exist in a free country without the United States Marines.

The council needs to reverse this absurd decision. Their actions are offensive and obnoxious.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Under clause 5(d) of rule XX, the Chair announces to the House that, in light of the resignation of the gentleman from Louisiana (Mr. BAKER), the whole number of the House is 430.

## COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

HOUSE OF REPRESENTATIVES,
*Washington, DC, January 30, 2008.*

Hon. NANCY PELOSI,
*The Speaker, House of Representatives, Washington, DC.*

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on January 30, 2008, at 9:15 a.m.:

That the Senate passed without amendment H.R. 5104.

That the Senate passed S. 2571.

With best wishes, I am

Sincerely,

LORRAINE C. MILLER,
*Clerk of the House.*

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 4 of rule I, the following enrolled bills were signed by the Speaker on Wednesday, January 30, 2008:

H.R. 5104, to extend the Protect America Act of 2007 for 15 days

S. 2110, to designate the facility of the United States Postal Service located at 427 North Street in Taft, California, as the ''Larry S. Pierce Post Office''.

## COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

HOUSE OF REPRESENTATIVES,
*Washington, DC, February 5, 2008.*

Hon. NANCY PELOSI,
*The Speaker, House of Representatives, Washington, DC.*

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on February 5, 2008, at 10:24 a.m.:

That the Senate agreed to S.J. Res 25. That the Senate passed S. 550.

Appointments: Washington's Farewell Address

With best wishes, I am

Sincerely,

LORRAINE C. MILLER,
*Clerk of the House.*

## COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

HOUSE OF REPRESENTATIVES,
*Washington, DC, February 4, 2008.*

Hon. NANCY PELOSI,
*Speaker, House of Representatives, Washington, DC.*

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on February 4, 2008, at 10:08 a.m.:

That the Senate concurs in the House amendment to the Senate amendment to the bill H.R. 4253.

Appointments: United States-Japan Interparliamentary Group conference

With best wishes, I am

Sincerely,

LORRAINE C. MILLER,
*Clerk of the House.*

## APPOINTMENT OF MEMBER TO COMMISSION ON CIVIL RIGHTS

The SPEAKER pro tempore. Pursuant to section 2 of the Civil Rights Commission Amendments Act of 1994 (42 U.S.C. 1975 note), the order of the House of January 4, 2007, and upon the recommendation of the minority leader, the Chair announces the Speaker's appointment of the following member on the part of the House to the Commission on Civil Rights to fill the existing vacancy thereon and, effective February 12, 2008, the Speaker's reappointment of the same member to a 6-year term expiring February 11, 2014:

Mr. Todd Gaziano, Falls Church, Virginia

## COMMUNICATION FROM CONGRESSIONAL AIDE, HON. WILLIAM J. JEFFERSON, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from Ericka Edwards-Jones,

Congressional Aide, the Honorable WILLIAM J. JEFFERSON, Member of Congress:

HOUSE OF REPRESENTATIVES,
*Washington, DC, January 28, 2008.*

Hon. NANCY PELOSI,
*Speaker, House of Representatives,*
*Washington, DC.*

DEAR MADAM SPEAKER: This is to notify you formally, pursuant to Rule VIII of the Rules of the House of Representatives, that I have received a subpoena for testimony issued by the U.S. District Court for the Eastern District of Virginia.

After consultation with the Office of General Counsel, I have determined that compliance with the subpoena is consistent with the precedents and privileges of the House.

Sincerely,

ERICKA EDWARDS-JONES,
*Congressional Aide.*

## COMMUNICATION FROM LEGISLATIVE DIRECTOR, HON. WILLIAM J. JEFFERSON, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from Angelle B. Kwemo, Legislative Director, the Honorable WILLIAM J. JEFFERSON, Member of Congress:

HOUSE OF REPRESENTATIVES,
*Washington, DC, January 29, 2008.*

Hon. NANCY PELOSI,
*Speaker, House of Representatives,*
*Washington, DC.*

DEAR MADAM SPEAKER: This is to notify you formally, pursuant to Rule VIII of the Rules of the House of Representatives, that I have received a subpoena for testimony issued by the U.S. District Court for the Eastern District of Virginia.

After consultation with counsel, I have determined that compliance with the subpoena is consistent with the precedents and privileges of the House.

Sincerely,

ANGELLE B. KWEMO,
*Legislative Director.*

## BUDGET OF THE UNITED STATES GOVERNMENT FOR FISCAL YEAR 2009—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 110–84)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Appropriations and ordered to be printed:

*To the Congress of the United States:*

At www.budget.gov, Americans will find the budget of the Federal Government for Fiscal Year 2009. Two key principles guided the development of my Budget—keeping America safe and ensuring our continued prosperity.

As we enter this New Year, our economy retains a solid foundation despite some challenges, revenues have reached record levels, and we have reduced the Federal deficit by $250 billion since 2004. Thanks to the hard work of the American people and spending discipline in Washington, we are now on a path to balance the budget by 2012. Our formula for achieving a balanced budget is simple: create the conditions for economic growth, keep taxes low, and spend taxpayer dollars wisely or not at all.

As Commander in Chief, my highest priority is the security of the American people. So my Budget invests substantial resources to protect the United States from those who would do us harm. Continuing our Nation's efforts to combat terrorism around the globe, my Budget provides our men and women in uniform the tools they need to succeed in Afghanistan and Iraq, and it furnishes the resources needed for our civilians to help those nations achieve economic and political stabilization. My Budget also strengthens our overseas diplomatic capabilities and development efforts, advances our political and economic interests abroad, and improves the lives of people around the world.

Here at home, we are blessed to live in a country that rewards hard work and innovation. In our flexible and dynamic economy, people can pursue their dreams, turn ideas into enterprises, and provide for their families.

As we look back over the past 7 years, we see the economy has successfully responded to substantial challenges, including a recession terrorist attacks, corporate scandals, wars, and devastating natural disasters. It is a measure of our economy's resilience and the effectiveness of pro-growth policies that our economy has absorbed these shocks, grown for 6 straight years, and had the longest period of uninterrupted job growth on record. Yet mixed indicators confirm that economic growth cannot be taken for granted. To insure against the risk of an economic downturn, I will work with the Congress to pass a growth plan that will provide immediate, meaningful, and temporary help to our economy.

Americans have real concerns about their ability to afford healthcare coverage, pay rising energy bills, and meet monthly mortgage payments. They expect their elected leaders in Washington to address these pressures on our economy. So my Budget puts forth proposals to make health care more affordable and accessible, reduce our dependence on oil, and help Americans struggling to keep their homes.

Above all, my Budget continues the pro-growth policies that have helped promote innovation and entrepreneurship. I will not jeopardize our country's continued prosperity with a tax increase. Higher taxes would only lead to more wasteful spending in Washington—putting at risk both economic growth and a balanced budget.

As we work to keep taxes low, we must do more to restrain spending. My Budget proposes to keep non-security discretionary spending growth below 1 percent for 2009 and then hold it at that level for the next 4 years. It also cuts spending on projects that are not achieving results—because good intentions alone do not justify a program that is not working.

One of the best ways to reduce waste and increase accountability is to make Federal spending more transparent. To help Americans see where their money is being spent, we have launched a website called www.USAspending.gov, and to help Americans see the kind of results they are getting for their money, we launched www.ExpectMore.gov. I invite all Americans to log on and find out for themselves how their hard-earned tax dollars are being spent.

Billions of those tax dollars go to something called earmarks. Earmarks are special-interest items that are slipped into big spending bills or committee reports, often at the last hour, without discussion or debate. Last January, I asked the Congress to reform earmarks, and lawmakers took some modest steps in that direction. But they failed to end the practice of concealing earmarks in report language—and they continued to fund thousands of them. So I will take steps to advance earmark reform. I also call on the Congress to adopt the legislative line-item veto, which gives the legislative and executive branches a tool to help eliminate wasteful spending. Common-sense reform will help prevent billions of taxpayers' dollars from being spent on unnecessary and unjustified projects.

As we take these steps to address discretionary spending, we also need to confront the biggest challenge to the Federal budget: the unsustainable growth in entitlement spending. Many Americans depend on programs like Social Security, Medicare, and Medicaid, and we have an obligation to make sure they are sound for our children and grandchildren. If we do not address this challenge, we will leave our children three bad options: huge tax increases, huge deficits, or huge cuts in benefits. The longer we put off the problem, the more difficult, unfair, and expensive a solution becomes.

My Budget works to slow the rate of growth of these programs in the short term, which will save $208 billion over 5 years. This step alone would reduce Medicare's 75-year unfunded obligation by nearly one-third. My Administration cannot solve this problem alone, though. We need a commitment from the Congress to reform and improve these vital programs so they can serve future generations of Americans.

In my 2009 Budget, I have set clear priorities that will help us meet our Nation's most pressing needs while addressing the long-term challenges ahead. With pro-growth policies and spending discipline, we will balance the budget in 2012, keep the tax burden low, and provide for our national security. And that will help make our country safer and more prosperous.

GEORGE W. BUSH.

THE WHITE HOUSE, *February 4, 2008.*

□ 1415

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken after 6:30 p.m. today.

## RECOGNIZING THE 50TH ANNIVERSARY OF THE NATIONAL ACADEMY OF RECORDING ARTS AND SCIENCES

Mr. HODES. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 273) recognizing the 50th Anniversary of the National Academy of Recording Arts & Sciences.

The Clerk read the title of the concurrent resolution.

The text of the concurrent resolution is as follows:

H. CON. RES. 273

Whereas, in 1957, a group of visionary leaders gathered at the famed Brown Derby in Los Angeles to form The National Academy of Recording Arts & Sciences;

Whereas The Recording Academy soon created the GRAMMY Award which is the world's most visible and prestigious award for music;

Whereas the GRAMMY was created as a peer award, given by music makers, for music makers, to honor the highest quality recording music of the year without regard to sales or chart position;

Whereas The Recording Academy expanded its mission beyond recognition of musical excellence to include groundbreaking professional development, cultural enrichment, advocacy, education, and human services programs;

Whereas through its 12 chapters across America, The Recording Academy serves more than 18,000 musicians, singers, songwriters, producers, engineers, and other music professionals;

Whereas, in 1989, The Recording Academy created the GRAMMY Foundation to cultivate the understanding, appreciation, and advancement of the contribution of recorded music to American culture, from the artistic and technical legends of the past to the still unimagined musical breakthroughs of future generations of music professionals;

Whereas that same year, The Recording Academy created MusiCares, to provide a safety net of critical assistance for music people in times of need;

Whereas the GRAMMYs on the Hill Initiative, based in Washington, DC, works to advance the rights of the music community through advocacy, education, and dialogue; and

Whereas through this initiative, The Recording Academy has become a leading advocate for music makers: Now, therefore, be it

*Resolved by the House of Representatives (the Senate concurring),* That Congress congratulates The Recording Academy during its 50th GRAMMY celebration for its important work in improving the environment for music and music makers.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Hampshire (Mr. HODES) and the gentlewoman from North Carolina (Ms. FOXX) each will control 20 minutes.

The Chair recognizes the gentleman from New Hampshire.

GENERAL LEAVE

Mr. HODES. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Hampshire?

There was no objection.

Mr. HODES. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, as a member of the House Committee on Oversight and Government Reform, I'm pleased to join my colleagues in the consideration of House Concurrent Resolution 273, which acknowledges the 50th anniversary of the National Academy of Recording Arts & Sciences.

House Concurrent Resolution 273 was introduced by Representative MARY BONO MACK of California on December 19, 2007, and was considered by and reported from the Oversight Committee on January 29, 2008, by voice vote.

The measure has the support of over 60 Members of Congress, and provides our body a collective opportunity to both recognize and congratulate the National Academy of Recording Arts & Sciences on its 50th anniversary Grammy Awards celebration.

Established in 1957, the National Academy of Recording Arts & Sciences, also known as the Recording Academy, serves as the premier organization of musicians, producers, recording engineers and other recording professionals dedicated to improving the quality of life and cultural conditions of others through music and the arts. As a producer of recordings myself, I am especially aware of the academy's fine and important work.

The Recording Academy is best known for its presentation of the Grammy Awards, which is the only peer-presented award ceremony to honor artistic achievement, technical proficiency and overall excellence in the recording industry without regard to album sales or chart position.

In addition to the Grammys, the Recording Academy is also known for its philanthropic efforts to cultivate the understanding, appreciation and advancement of the recording industry's contributions to American culture through music and education programs offered by the Grammy Foundation.

Mr. Speaker, I'm sure we all agree that the Recording Academy has made a significant contribution to the landscape of our country. For its service in improving the environment for music, music makers and music lovers over the past 50 years, the Recording Academy is undoubtedly deserving of recognition. Therefore, I urge swift passage of House Concurrent Resolution 273.

Mr. Speaker, I reserve the balance of my time.

Ms. FOXX. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, I rise in support of H. Con. Res. 273, which recognizes the 50th anniversary of the National Academy of Recording Arts & Sciences.

Mr. Speaker, while the music industry has changed and continues to change over the years, its importance to the lives of Americans has not. Songs provide inspiration, evoke fond memories, and even comfort us during times of need.

In addition to entertaining us, we should also be mindful of the music industry's role in our Nation's economy, accounting for some $11.5 billion annually. Moreover, this sector of our economy provides jobs to thousands of singers, songwriters, musicians, producers and other recording professionals.

In 1957, the National Academy of Recording Arts & Sciences was formed to honor the most talented music makers by creating the world's most prestigious music award, known as the Grammy Award.

This unique award is not based on sales, popularity or consumer taste but is given as a peer award by artists for artists. The award also continues to be the only peer-presented award to honor the achievement, technical proficiency and overall excellence in the recording industry.

The Recording Academy's responsibility for the Grammys is only the tip of the iceberg. The academy has also expanded its scope beyond recognizing the best in music to include groundbreaking professional development, cultural enrichment, advocacy, education and human services programs. In time, the Grammy Foundation was created to recognize the significant contributions music has made to American culture and its impact on all of our citizens in the past, present and future.

Another aspect of the academy's outreach is MusiCares. Through the efforts of this program, a wide range of financial, medical and personal emergencies for many struggling artists in the Nation's music community are covered. MusiCares also provides educational programs that are found throughout the country that focus on the preservation of our musical heritage.

Through its 12 chapters across the United States, the Recording Academy impacts the music community at large by working diligently to protect the music creators through strong intellectual property rights, addressing the legality of downloading and purchase of music on the Internet, as well as music preservation and music education.

I urge my colleagues to support this concurrent resolution congratulating the Recording Academy during its 50th Grammy celebration, and recognizing its important contribution to the success and vitality of music makers.

Mrs. BONO MACK. Mr. Speaker, this weekend millions of Americans will view the Grammy Awards Gala and I rise today to recognize a most important milestone for the organization responsible for this program.

I would first like to take this opportunity to thank the Majority Leader and his staff for working together with my office on this concurrent resolution. Additionally, I would like to thank him for his steadfast commitment to the Recording Arts and Sciences Caucus of which we both serve as co-chairs.

Today I am joined by over 60 of my colleagues—on both sides of the aisle—as I put forth this concurrent resolution which recognizes the contributions the National Academy of Recording Arts and Sciences has made to our country over the last half century.

It is indeed an honor to celebrate this anniversary as we acknowledge that is has been 50 years since the Recording Academy was formed. Throughout that time the Recording Academy has expanded its mission beyond a peer music award to include professional development, cultural enrichment, advocacy, education, and human services programs.

These programs are helping develop and nurture the music industry and most importantly the musicians who make up that industry. The impact this has had on music and the arts in the United States cannot be overstated.

At its core, the Recording Academy's support for the individual recording professional has been and is essential to the creative life of our Nation. The Recording Academy's constant push for the advancement of the rights of musicians, songwriters, singers, producers, and other recording professionals is essential to the future health and sustainability of the music community. Thankfully, the Recording Academy is there everyday, championing these worthy causes and educating all of us about their importance.

As such, I am proud to have authored House Concurrent Resolution 273 which recognizes the 50th Anniversary of the National Academy of Recording Arts and Sciences.

Thank you, Mr. Speaker, and I ask for the support of Members from both sides of the aisle for H. Con. Res. 273, legislation I'm proud to have authored.

Ms. FOXX. Mr. Speaker, I yield back the balance of my time.

Mr. HODES. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Hampshire (Mr. HODES) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 273.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

## COMMENDING THE HOUSTON DYNAMO SOCCER TEAM FOR WINNING THE 2007 MAJOR LEAGUE SOCCER CUP

Mr. HODES. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 867) commending the Houston Dynamo soccer team for winning the 2007 Major League Soccer Cup.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 867

Whereas the Houston Dynamo soccer team won the 2007 Major League Soccer Cup, defeating the New England Revolution by a score of 2–1 at RFK Stadium on November 18, 2007;

Whereas as the Houston Dynamo came back from a 1–0 halftime deficit to defeat the Revolution;

Whereas as Dwayne De Rosario, assisted on the tying goal to Joseph Ngwenya, scored the winning goal and was named the game's MVP;

Whereas as the Houston Dynamo were playing without Brian Ching, the MVP of last year's MLS Cup due to injury;

Whereas as the Houston Dynamo has won the Major League Soccer Cup for the second consecutive year;

Whereas as the Houston Dynamo is the first team to win back-to-back MLS Cups in 10 years;

Whereas as the Houston Dynamo have won the MLS Cup in their first 2 years of existence in Houston;

Whereas Houston Dynamo Coach Dominic Kinnear has guided the team to 26 wins, 20 draws, and 16 losses in his first 2 seasons in Houston; and

Whereas Houston Dynamo defender Eddie Robinson and midfielder Dwayne De Rosario were named to the 2007 MLS Best XI all-star team: Now, therefore, be it

*Resolved,* That the House of Representatives—

(1) commends the Houston Dynamo soccer team for winning the 2007 MLS Cup; and

(2) congratulates the team for back-to-back MLS Cup wins in their first 2 seasons in Houston.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Hampshire (Mr. HODES) and the gentlewoman from North Carolina (Ms. FOXX) each will control 20 minutes.

The Chair recognizes the gentleman from New Hampshire.

GENERAL LEAVE

Mr. HODES. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Hampshire?

There was no objection.

Mr. HODES. Mr. Speaker, I yield as much time to myself as I may consume.

Mr. Speaker, as a member of the House Committee on Oversight and Government Reform, I'm pleased to join my colleagues in the consideration of House Resolution 867, which provides for the recognition of the Dynamo soccer team, out of Houston, Texas, for their recent 2007 MLS championship win.

House Resolution 867 was introduced by Representative GENE GREEN of Texas on December 11, 2007, and was considered by and reported from the House Committee on Oversight on January 29, 2008, by voice vote.

□ 1430

The measure has the support and cosponsorship of nearly 55 Members of Congress, and its consideration today on the House floor allows our entire body the chance to commend the Dynamo on winning the coveted MLS Cup. As is the case in most professional sporting or athletic leagues, ultimate success or winning of a championship title requires hard work, sacrifice, and innate desire to win.

The Houston Dynamo, led by 2005 MLS Coach of the Year Dominic Kinnear, have clearly demonstrated their commitment to these ideals as they not only hold the 2007 MLS Championship Cup but are also the proud winners of the 2006 MLS Championship Cup as well.

The Dynamo's recent wins mark the first time in 10 years that a team has won back-to-back MLS Cups. For this accomplishment, Mr. Speaker, we stand to commend the Dynamo, their players, coaches and supportive fans on a job well done.

I urge the passage of this measure.

Mr. Speaker, I reserve the balance of my time.

Ms. FOXX. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, I rise today in favor of H. Res. 867 which congratulates the Houston Dynamo for winning its second straight Major League Soccer championship.

Early in the season, the Dynamo team members weren't so much worried about defending their title as merely maintaining respectability. They brought a 2–4–1 record into Washington's RFK stadium, less than two miles from where we stand right now, on May 26.

Though they lost by the score of 2–1 that night, to a man, they agreed that was the game when things turned around.

The Dynamo did not lose again until July 10, a period that covered 12 games. After that, they went six more games without a loss. By then, they were back where they belonged, atop the MLS standings.

The key for this team, from all accounts, was its defense. The Dynamo scored 43 goals in 30 games. Not outstanding for a league champion, but it allowed just 23 goals as opponents wore defenders from all three lines of the Dynamo attack like a cheap suit for most of the season.

Brian Ching, Stuart Holden, Eddie Robinson, Ricardo Clark, Brad Davis, and Patrick Ianni formed the backbone of those three lines. Pat Onstead, who help the team set a league record for best goal-against average, 0.73 per game, provided other-worldly goalkeeping.

The season was not without its drama. After recovering from the slow start, the Dynamo again flirted with elimination when it lost to FC Dallas, 1–0, in its first playoff game and trailed 1–0 and faced elimination in its second. But the Dynamo then buried Dallas in a four-goals-in-30-minutes barrage and never looked back. It beat New England in the finals 3–0. Does this sound familiar?

The Dynamo showed what can happen when the team recognizes its weaknesses and buys into a plan to fix them.

Congratulations to Coach Dominic Kinnear and his players for showing what can happen when we pull together and rise above.

Mr. Speaker, I reserve the balance of my time.

Mr. HODES. Mr. Speaker, I yield to my distinguished colleague from Texas (Mr. GENE GREEN) so much time as he may consume.

Mr. GENE GREEN of Texas. Mr. Speaker, I would like to thank my colleague and both the Government Reform Committee and Rules Committee for allowing this resolution to be considered today. I urge my colleagues to join me in supporting it.

The Dynamo soccer team arrived in Houston just 2 years ago, and in the team's first two seasons, they won back-to-back MLS Cups. The Dynamo are the first team to do so in over a decade and have immediately drawn a huge fan base in Houston for their success.

Dynamo coach Dominic Kinnear has guided the team to 26 wins, 20 draws, and 16 losses in its first two seasons in Houston. The Cup win this season came over the New England Revolution, the same team the Dynamo defeated in 2006 to win their first MLS Cup and the 2007 match to an attendance of merely 40,000. The 2007 Cup win was a come-from-behind victory in which Dwayne De Rosario assisted on the tying goal to Joseph Ngwenya, and scored the winning goal to take home the most valuable player honors from the match.

The Dynamo managed to accomplish this without the most valuable player from their 2006 Cup win, Brian Ching, who was sidelined with an injury.

Texas and Houston have a long history of being a football State and town, but I first learned about soccer when I was in college playing goalie just during college sports. My two children grew up playing soccer in the 1980s when they were young in Houston. Over the years, I watched soccer grow not only in the suburbs but also in the very inner city, and you can hardly have a flat field, flat surface, without having soccer goals put up.

Today in our district and throughout the Houston area, countless numbers of children have played and become soccer fans, and the Dynamos' success since arriving in Houston greatly increased the interest in the game.

Four of the Dynamo stars, Brad Davis, Eddie Robinson, Ricardo Clark, and Stuart Holden, have been selected for the U.S. Men's National Team roster that will face Team Mexico at Reliant Stadium tonight in Houston. This is the most players of any club represented on our national team, and it includes the Houston native, Stuart Holden, who played his high school soccer in Houston.

The U.S.-Mexico soccer rivalry is one of the biggest matches the team plays and always draws enormous crowds and a large television following.

We wish the players luck tonight in their match and congratulate the Dynamos on their past success and look forward to their continued success in 2008.

Again, Mr. Speaker, I urge my colleagues to join me in supporting this resolution congratulating the Houston Dynamos on their 2007 Major League Soccer Cup victory.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in strong support of H. Res. 867 commending the Houston Dynamo for winning the 2007 Major League Soccer Cup. I would first like to commend our distinguished colleague GENE GREEN of the 29th Congressional District of Texas for introducing this important resolution. The Houston Dynamo has consistently strived for excellence and dominated the MLS playoffs for 2 consecutive years and I am happy to commend them for their efforts.

The Dynamo played their first game on April 2, 2006, in front of a crowd of 25,462 in Robertson Stadium. The Dynamo finished their first season in Houston with an 11–8–13 record, earning them second place in the Western Conference. On November 12, 2006, at Pizza Hut Park in Frisco, Texas, the Houston Dynamo defeated the New England Revolution in an exciting match decided by the first shootout in MLS history, 4–3 on penalty kicks after a 1–1 tie to win the 2006 MLS Cup.

After regrouping in 2007 and pulling off a win against rival FC Dallas, Houston began an winning streak of 11 games and a shutout streak of 726 minutes, a new MLS record. They finished in second place in the regular season in the Western Conference, advancing to the 2007 MLS Cup Playoffs, where they met State rivals FC Dallas in the first round. Just like in 2006, they faced the New England Revolution for the championship, and won it 2–1 on a game-winning goal by Dwayne De Rosario in the second half, thus winning their second MLS Cup in a row.

As a native Houstonian I am proud to honor the Houston Dynamo for their sheer dominance since the premiere of MLS soccer in the United States. I strongly urge the community to support the Houston Dynamo as they will need it to sustain the expectations they have already lived up to. I strongly support this resolution and I urge my colleagues to do the same.

Ms. FOXX. Mr. Speaker, I urge the passage of H. Res. 867, and I yield back the balance of my time.

Mr. HODES. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Hampshire (Mr. HODES) that the House suspend the rules and agree to the resolution, H. Res. 867.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. HODES. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

## RECOGNIZING THE SIGNIFICANCE OF BLACK HISTORY MONTH

Mr. HODES. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 942) recognizing the significance of Black History Month.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 942

Whereas the first Africans were brought involuntarily to the shores of America as early as the 17th century;

Whereas these Africans in America and their descendents are now known as African-Americans;

Whereas African-Americans suffered involuntary servitude and subsequently faced the injustices of lynch mobs, segregation, and denial of basic, fundamental rights;

Whereas despite involuntary servitude, African-Americans have made significant contributions to the economic, educational, political, artistic, literary, religious, scientific, and technological advancement of the Americas;

Whereas in the face of injustices, United States citizens of good will and of all races distinguished themselves with their commitment to the noble ideals upon which the United States was founded and courageously fought for the rights and freedom of African-Americans;

Whereas Dr. Martin Luther King Jr. lived and died to make real these noble ideals;

Whereas the birthdays of Abraham Lincoln and Fredrick Douglass inspired the creation of Negro History Week, the precursor to Black History Month;

Whereas Negro History Week represented the culmination of Dr. Carter G Woodson's efforts to enhance knowledge of black history started through the Journal of Negro History, published by Woodson's Association for the Study of African-American Life and History; and

Whereas the month of February is officially celebrated as Black History Month, which dates back to 1926, when Dr. Carter G. Woodson set aside a special period of time in February to recognize the heritage and achievement of Black Americans: Now, therefore, be it

*Resolved,* That the House of Representatives—

(1) recognizes the significance of Black History Month as an important time to recognize the contributions of African-Americans in the Nation's history, and encourages the continued celebration of this month to provide an opportunity for all peoples of the United States to learn more about the past and to better understand the experiences that have shaped the Nation; and

(2) recognizes that the ethnic and racial diversity of the United States enriches and strengthens the Nation.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Hampshire (Mr. HODES) and the gentleman from Florida (Mr. FEENEY) each will control 20 minutes.

The Chair recognizes the gentleman from New Hampshire.

GENERAL LEAVE

Mr. HODES. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Hampshire?

There was no objection.

Mr. HODES. Mr. Speaker, I yield to myself as much time as I may consume.

Mr. Speaker, as a member of the House Committee on Oversight and Government Reform, I am pleased to

join my colleagues in the consideration of H. Res. 942 which calls for Congress to recognize the significance of February as Black History Month.

H. Res. 942 was introduced by Representative AL GREEN of Texas on January 28, 2008, and was considered by and reported from the Oversight Committee on January 29, 2008, by voice vote. The measure has the support and cosponsorship of 55 Members of Congress, yet gives us all an opportunity to pay tribute to the remarkable contributions African Americans have made to America's growth, development, and rich history.

As we are aware, February marks the beginning of Black History Month, which was first celebrated as Negro History Week in 1926 by Carter G. Woodson, a noted African American author and scholar, but has since become a month-long commemorative celebration as a way of recognizing and highlighting the role black Americans have played in America since the existence of our country and the role they continue to play on a daily basis.

Across our great land, Black History Month is marked by the offering of educational and cultural programs, heightened media coverage and special celebrations and events, all designed to share with the world the strength, ingenuity, and accomplishments of our fellow American citizens.

Mr. Speaker, as we move to recognize Black History Month and this year's theme of ''Carter G. Woodson and the Origins of Multiculturalism in America,'' let's all recall the experiences and valuable contributions of African Americans to our fine country. Let us not forget that black history is truly American history.

And with that, Mr. Speaker, I urge the swift passage of H. Res. 942.

Mr. Speaker, I reserve the balance of my time.

Mr. FEENEY. Mr. Speaker, I yield myself such time as I may consume. I'm honored to speak today in support of H. Res. 942, recognizing the significance of Black History Month, sponsored by my distinguished colleague from Texas (Mr. AL GREEN).

Just a few weeks ago, we celebrated the life and accomplishments of one great man, Rev. Martin Luther King, Jr., and today we pay tribute to the contributions all African Americans have made to this great country.

Each February we express our appreciation of the struggles, determination, and perseverance of the African American community of the past and present. Nothing serves as a better example of this than the civil rights movement itself.

Rev. King would tell you that it was not the sole efforts of one man but the collective work of many that achieved so much. Without the civil rights movement, our Nation would not have the strong diversity of which it is so proud.

Beyond this, February is also a time to recognize the contributions of African Americans that have enriched our culture and our heritage. We must continue to learn the historical struggles of African American citizens in order to better understand the experiences that have shaped this Nation.

There have been great activists, politicians, artists, writers, poets, scientists, economists, athletes, entertainers, and musicians that have all bettered our way of life. The achievements of so many have encouraged today's youth to strive for a more equal and free country.

It is impossible to celebrate Black History Month without mentioning such noted leaders as Frederick Douglass, Harriet Tubman, Rosa Parks, Thurgood Marshall, and, once again, Dr. King himself. Their historic efforts inspired a Nation and brought past injustices to light, bringing forth beginning to an end of racial inequality.

When Harvard scholar Dr. Carter G. Woodson had the idea to create a week-long celebration of black history back in 1926, his goal was to ''make the world see the Negro as a participant, rather than as a lay figure in history.''

Over time, it has become the month-long commemoration that it is today, and it is with great pleasure that I speak today in support of H. Res. 942.

Mr. Speaker, I reserve the balance of my time.

Mr. HODES. Mr. Speaker, I yield 6 minutes to my distinguished colleague from Texas (Mr. AL GREEN) and, in doing so, commend him for his extraordinary leadership in introducing this resolution and his service to the United States.

Mr. AL GREEN of Texas. Mr. Speaker, I thank the gentleman for his very kind words and compliment him on the outstanding job that he is doing in the United States Congress, and I'm always honored to have the opportunity to serve and work with the gentleman.

I also thank my colleague on the other side of the aisle who has graciously helped us with this resolution and helped us bring it to the floor.

This resolution has received bipartisan support. I can say with a great degree of sincerity that not one Member that I approached about signing on to this resolution had any reservation, hesitation, or consternation. Every Member saw this as a worthwhile resolution, and I want to thank all of the Members who are now supporting it and who will vote for it.

I also am honored to make this expression of appreciation on behalf of the millions of Africans who are in America and who are known as African Americans. They cherish this day. This day means something to persons in the African American community. So they, too, would express appreciation, and I do so as one of their representatives in the United States Congress.

Mr. Speaker, this resolution gives us an opportunity to tell a portion of the greatest story never told. One of the great stories in world history is the story of Africans in the Americas and, more specifically, Africans in America today. This month allows us, and through this resolution we are allowed, to talk about some of the great accomplishments of African Americans, and Mr. FEENEY has been so generous with his compliments and the persons that he has named. My colleague has been very generous with his compliments as well.

□ 1445

But I want to name just a few more, because at a time like this, on occasions like this, we want to make sure that we say as much as we can, understanding that we cannot say enough.

So on occasions such as this, we'd like to at least mention the prolific poetry of Phyllis Wheatley. We want to say that there was the scientific genius of Benjamin Banneker, who, by the way, was self-educated, a self-educated scientist, astronomer and inventor. We'd like to mention the legal brilliance of Macon B. Allen, who became the first African American admitted to the bar in the United States in 1845.

We should mention the colossal courage of Harriet Tubman, who, with her Underground Railroad, took persons from slavery to freedom. And we have to mention that she didn't do it alone. African Americans are not free because they were able to extricate themselves from slavery; they are free because they had help along the way from persons of good will of all ethnicities and races, all genders. People of good will have been of service in this fight for freedom for African Americans, and we should never have this kind of celebration and not mention the fact that we are here because there were many others who made it possible for us to have the opportunities we have. Many lived and died, and they were not all African Americans.

On occasions such as this, we mention the political prowess of P.B.S. Pinchback, who was the first African American elected Governor to become Governor of a State; he became Governor of the State of Louisiana in 1872.

These are some of the notables that we mention. But we should also mention that African Americans answered the clarion call to serve the Nation in times of war. They were there at the Boston Massacre. You will recall that Crispus Attucks was the first person killed, an African American. They were there at the Revolutionary War. Five thousand slaves and freedmen fought in the Revolutionary War, with the Continental Army, with the Navy, and with the militia in the Revolutionary War.

They were there in World War I; 350,000 African Americans were there in World War I to serve our country. In World War II, 2.5 million registered, and approximately 1 million served. And, of course, we can never forget the Tuskegee Airmen. They were not only there but they were so outstanding that the President of the United States came to these Halls and presented them a Congressional Gold Medal.

America is not a perfect Nation, but it does provide the means by which we can strive for perfection. And I am so honored that by passing this resolution, we continue to reach for the ultimate perfection in the United States of America.

Mr. HODES. Mr. Speaker, at this time, I am proud to yield 7 minutes to my distinguished colleague, Representative Eleanor Holmes Norton, who has represented the City of Washington, DC for many years and is known universally as a passionate advocate for truth and justice.

Ms. NORTON. I thank the gentleman from New Hampshire (Mr. HODES) for that generous introduction. And I thank my good friend, Mr. FEENEY from Florida, for also coming forward and robustly leading this bill forward today. We all owe thanks to the gentleman from Texas (Mr. AL GREEN), from whom we've just heard, who is the sponsor of this particular resolution.

Mr. Speaker, I come to the floor to make, perhaps, an unusual point. During Black History Month, we should remember that black history is still being made. The best evidence, of course, is that an African American is close to, perhaps, getting the Democratic nomination for President. This breakthrough is not surprising when you consider that we are still living in a period for black history-making because the shackles of segregation and of nationwide discrimination were removed only about 40 years ago. So you will hear many firsts, many record-breakers continue to come forward for years to come.

We don't really have to go to the history books in the 19th century, and earlier, to find history makers who should be revered this month. We are literally still surrounded by living black history on which history has spoken. Now, mind you I say ''on which history has spoken,'' I mean you don't have the verdict of history until you can stand back from it. And, therefore, I want to make a few remarks about living history from the Congress of the United States.

It is probably the case that most Americans do not recognize that the first African American elected by popular vote to the United States Senate was Senator Edward Brooke, who served from 1967 to 1979. This is real living history, my friends. Now a robust 87, Senator Brooke broke more records than anybody I know. He became a Senator, '67 to '79, at a time when breakthroughs hadn't begun to occur. And he became a Senator from an overwhelmingly white State that was also overwhelmingly Democratic, and he was a Republican, a life-long Republican. Before that, he had become the State's first black attorney general.

I know Senator Brooke for reasons that are close to home. If you grew up in Washington, you will know him because, in studying black history, we studied this living history in our midst. He is a native Washingtonian. He graduated from Dunbar High School, the same high school I attended; served in World War II in the segregated 366th; went to Howard University and Howard law school, lived a segregated life his whole life. Then when he got out of the Army and got out of law school, he went to seek his fortune, not in his hometown, but in Massachusetts, where he practiced law and then had the audacity to run for office in a State where his party was pitifully outnumbered and in a State where he had to risk race when few had done so.

He tells the fascinating story of his life in his own autobiography called ''Bridging the Divide.'' It was published in 2006. And that's exactly what Senator Brooke did. He bridged the divide, brought Democrats and Republicans together, brought blacks and whites together, and became a history maker of the first order and one who served in the Congress of the United States.

I must say that the President has already understood his significance in American history because a few years ago, President Bush awarded Senator Brooke the highest national honor, the Presidential Medal of Honor. And, once more, the Senate has the jump on us. Of course, Edward Brooke was a Member of the Senate, but the Senate has unanimously voted that Senator Brooke should receive the highest congressional honor, the Congressional Gold Medal. These are the highest honors that each branch of government can offer.

I can think of no better way for the Congress to celebrate Black History Month, not in talking about black history that was made long ago, but looking inside our own ranks and finding a true historic figure, one that Democrats can be proud of, that Republicans are surely proud of, one who epitomizes exactly what everybody says our country needs today to bring us together, and one who served in our own ranks.

Many in the Congress on both sides of the aisle have already signed on to H.R. 1000, which is the bill necessary to award the Congressional Medal. That requires two-thirds of the House to sign on. Many have, once this was brought to their attention, signed on. We're going to send it again, of course, to Members, as we try to do something that I think will be history-making this very month, and that is to have the Congress of the United States, this month, this Black History Month, vote to give the Congressional Gold Medal to one of our own former colleagues, a former Member of the Senate, Senator Edward Brooke, the first African American to serve by popular vote in that body.

I thank the gentleman for yielding.

Mr. FEENEY. I have no further speakers, Mr. Speaker, and I yield myself 1 minute.

Mr. Speaker, there are many reasons to celebrate Black History Month, and one is that it would take more than a month for even the best student of history to appreciate all of the great things that African Americans have contributed to America. I would note that later this afternoon the House will be considering House Resolution 943, which is the 22nd anniversary of the Challenger disaster. And among the American heroes that perished that day was astronaut Ronald McNair, who, in fact, was an African American.

Mr. TERRY. Mr. Speaker, I rise today in support of H. Res. 942, a resolution recognizing the significance of Black History Month.

It is a time to reflect on and honor the important contributions African-Americans have made to our Nation. We should especially take note of the extraordinary people who continue to help build our great Nation.

Of the thousands of African-Americans in my District, I have the privilege of representing two individuals and an outstanding group: Marguerita Washington and Rudy Smith, both of Omaha, and the Alfonza W. Davis chapter of the Tuskegee Airmen, based in Omaha.

Dr. Marguerita Washington is the editor of the Omaha Star newspaper in Omaha. The paper has been in existence for more than 69 years and is Nebraska's largest African-American newspaper. The policy of the Omaha Star has been to print only positive news and to be a vigilant champion for African-American progress. The paper is located in the heart of Omaha's African-American community.

The Omaha Star was founded by the late Mildred D. Brown in 1938. She is believed to be the first female, certainly the first African-American woman, to have founded a newspaper in the Nation's history. When Mrs. Brown expired unexpectedly in 1989, the paper was then placed in the very capable hands of Dr. Marguerita Washington, her niece, who now heads the newspaper.

Dr. Washington and the Omaha Star work for equal rights for all; the paper was on the forefront, leading the charge to open public accommodations to African-Americans, including hotels, restaurants, theaters and taverns. The paper was instrumental in working with Omaha Public Schools to ensure that black teachers had equal participation. Dr. Washington also worked hard to get the Omaha Star landmark status in the city of Omaha and the State of Nebraska.

Rudy Smith has lived in Omaha since age 6 and has been an Omaha World Herald photographer and editor for more than 40 years. He is in the process of completing a book of his photographs, many of which have been exhibited at black colleges, universities and museums around the country. As a journalist and photographer he has captured images of some of America's greatest heroes.

Rudy was more than just a photographer; he was able to chronicle historic moments in Omaha. Every picture he takes is a moment; each special moment holds a lifetime of memories that lives on after the moment has passed. Each of his photographs is a window to a memory and has the ability to deeply connect you to the beauty of life itself. His talent is endless.

Omaha native Alphonza Davis graduated from Omaha Tech High School and later Omaha University. He finished first in his class at Tuskegee and was chosen squadron leader. He was killed in combat in 1944 while over in Germany. The local Tuskegee Airmen chapter in Omaha is named after him.

The chapter is one of 45 nationwide, and its membership includes four original Tuskegee Airmen. They are LTC (Ret) Paul Adams, LTC (Ret) Charles A. Lane, Jr., LTC (Ret) Harrison A. Tull, and Mr. Robert D. Holts. These members continue their service to our community by mentoring and working with youth through the local Civil Air Patrol.

The Tuskegee Airmen and their record of success during the war are unmatched. Not a single American bomber protected by the Red Tails was ever shot down by enemy aircraft. By war's end, the Tuskegee Airmen had flown over 15,000 sorties, completed over 1,500 missions and destroyed more than 260 enemy aircraft.

I join my colleagues in recognizing these and the millions of African-Americans in our country for their numerous achievements throughout history, today and the future. This designation is only a small token of the thanks they deserve for all of their contributions to our society. I urge the adoption of H. Res. 942.

Mr. BACA. Mr. Speaker, I ask for unanimous consent to address the House for one minute.

I rise today to voice my strong support for H. Res. 942. This bipartisan resolution recognizes the significance of Black History Month.

I want to thank my friend and colleague, Representative AL GREEN, for introducing this resolution.

February is Black History Month, a time for all Americans to learn about and recognize the heritage and achievements of African Americans.

African Americans have made historic contributions to this Nation in all walks of life—from economics, to education, to politics and the arts.

Sadly, African Americans have been victims of too much discrimination, segregation, and hatred in their history in the United States.

That is why it is so fitting we stand here together today, one body in unity, to recognize the amazing accomplishments of our Nation's African Americans.

We also stand here to recognize that the ethnic and racial diversity within the United States is a wonderful thing, which only serves to strengthen our great Nation.

I urge my colleagues to embrace this diversity, to support Black History Month, and to cast a vote in favor of H. Res. 942.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in strong support of H. Res. 942, Recognizing the Significance of Black History Month, introduced by my distinguished colleague from Texas, Representative GREEN. This important legislation recognizes and celebrates the accomplishments and contributions of African-Americans in this Nation.

The celebration of Black History Month began with Negro History Week in 1926, the vision of Dr. Carter G. Woodson. Dr. Woodson, a noted African-American author and scholar recognized then, as we do today, that the achievements and contributions of African-Americans deserve not only to be acknowledged, but also to be celebrated by all Americans.

Over the course of 50 years, Negro History gained momentum, culminating in its transcendence to Black History Month. Now each February we express our appreciation of the struggles, determination and perseverance of the African-American community of the past and present. February is a month to recognize the contributions of African-Americans who have enriched our culture and our heritage.

There have been great African-American activists, scientists, artists, poets, athletes, politicians, writers, economists, musicians, engineers, and entertainers who have all bettered our way of life. From Harriet Tubman to Barbara Jordan, Althea Gibson to Venus Williams, Marian Anderson to Ella Fitzgerald, Frederick Douglass to Martin Luther King, Jr., so many African-Americans have enriched this Nation that there are far too many to name them all.

Unfortunately, the struggle for African-Americans to gain recognition and celebration in this Nation continues beyond Black History Month. While we can be proud of the many achievements of our past, events such as Hurricane Katrina and Jena 6, demonstrate that we still have much to achieve in the way of equal rights and justice for all.

One of the great challenges facing the African-American community is the disproportionate rate at which our people are incarcerated.

According to the Department of Justice more than 2.3 million people are incarcerated in this Nation's State and Federal prisons. As of December 2006, African-Americans made up 40.2 percent of Federal prison inmates, most of those being African-American men.

When you compare these statistics with the fact that African-Americans only make up approximately 12 percent of the total population, the disparity becomes more apparent. The human toll—the wasted lives, shattered families, and disturbed youth—are incalculable, as are the adverse social, economic and political consequences of weakened communities, diminished opportunities for economic mobility, and widespread disenfranchisement.

In Jena, Louisiana, two African-American high school students sat under what some White students called the "white" tree on their campus. The White students responded by hanging nooses from the tree. When African-American students protested the light punishment for the students who hung the nooses, the District Attorney came to the school and told the students he could "take their lives away with a stroke of his pen." Racial tensions continued to mount in Jena, and the District Attorney did nothing in response to several egregious cases of violence and threats against African-American students.

But when a White student—who had been a vocal supporter of the students who hung the nooses—taunted African-American students, allegedly called several African-American students "nigger", and was beaten up by African-American students, the punishment was drastically different. Six African-American students were charged with second-degree attempted murder. Mychal Bell was one of the students tried and convicted. He faced up to 22 years in prison for essentially a school fight.

The African-American community came to the aid of these young men, as they have done in years past for other young men. While we take this month to celebrate the past and present African-American achievements and contributions, we must face the future with an understanding that there is more to be done and more to be achieved.

As a member of the Congressional Black Caucus, a Representative of the people of the United States, and an African-American woman, I am proud to cosponsor this legislation and I urge my colleagues to join me in supporting this legislation.

Mr. HASTINGS of Florida. Mr. Speaker, I rise today to express my full support for H. Res. 942, a resolution that recognizes Black History Month as a time to acknowledge the many contributions that African Americans have made in our Nation's history and as a time for all Americans to fully understand the events and struggles that shaped our great Nation.

When Aristotle said, "If you would understand anything, observe its beginning and its development," he suggested that we cannot fully know what something is if we do not know its past. This certainly holds true for our country. Knowing our Nation's history does more than tell us who we were; it tells us who we are. And if we look honestly at our past successes and mistakes, it tells us what we can become.

Unfortunately, the long practice of omitting, abbreviating, and misrepresenting African Americans in American history has resulted in an incomplete and skewed story of our country's history. Fortunately, the social change of the civil rights movement inspired a change in the way that America told and understood its history. It became clear that American history—like America's schools and lunch counters—needed to be integrated.

Over the years, Black History Month has become a chance to realize our rich diversity by studying the artistic, scientific, and political contributions that African Americans have made to the United States and the rest of the world. Realize Black history is American history, and February should not be the only time that we acknowledge the contributions of African American men, women, and children in U.S. history. African Americans have played a key role in just about every single moment in American history, and it is high time that our history books reflect that.

Driven by my commitment to the human and civil rights of all, I have worked hard to ensure that all people—regardless of their nationality, sexual orientation, gender, or race—have access to their most basic rights. My experiences in and before I came to this body have taught me that all people have influenced our country's greatness. It is critically important that these contributions are acknowledged and retold.

Mr. Speaker, as we observe and celebrate the contributions of African Americans in America we must not forget that we are making history as we speak. We are living in an historical era in which extraordinary people from all walks of life are seeking opportunities that were previously not available to them. Outstanding Americans such as Barrington Irving, the youngest and first person of African descent to fly around the world, teach us that we can achieve great things in this land of opportunity as long as we have the will and drive. As we all know, for the first time in history, the two contending candidates for the Democratic nominee for President are a black man and a woman.

As we reflect on the numerous contributions and experiences of African Americans in this country, we must be cognizant of how we as a modern multi-ethnic and multicultural nation deal with the issues of our time. How we do this will determine how future generations will view us in the history books. I urge my colleagues to vote "yes" on this important resolution.

Mr. RODRIGUEZ. Mr. Speaker, today I stand before you offering my generous support for the commemoration of H. Res. 942, recognizing the significance of Black History Month. This is a month to honor the tremendous strides and achievements made by numerous African-American leaders and activists, and to signify our continued celebration of diversity in the United States. I urge all Americans to use this month as an opportunity to recognize the accomplishments made by past African-American leaders while continuing to work for the advancement of racial equality.

The enormous contributions made by Dr. Martin Luther King, Jr., Frederick Douglass, W.E.B. Dubois and other notable leaders in the African-American community have championed improved race relations and equality. We must also highlight the achievements made by a host of prominent African-Americans in other fields such as the arts, athletics, politics, and academia.

This year's theme, ''Carter G. Woodson and the Origins of Multiculturalism,'' honors the founder of Black History Month and applauds his commitment to the preservation of African-American history. Woodson was instrumental in popularizing the role the African-American community has played in enriching the history of the United States. His mission and legacy is one our country must uphold while continuing to inspire future generations to embrace diversity and equality.

Again, I would like to express my support for the significance of February 2008 as Black History Month. Let the following month serve as a reminder of our indebtedness to those leaders possessing the courage to combat injustice. They have completed the ultimate service not only for the African-American community in the United States but for all citizens.

Mr. LARSON of Connecticut. Mr. Speaker, I rise today in honor of this most important month of February, deemed as Black History Month. Let us join with the rest of the Nation in highlighting the significant contributions that African Americans have made to our great Nation, while celebrating this year's theme of ''Carter G. Woodson and the Origin of Multiculturalism.''

Throughout this noteworthy month, we all should take a moment to reflect on the fact that February was designated to make a national appeal to Americans to make note of the tremendous role that African Americans have played in the development and advancement of our country's rich history. February embraces the birthdays of two distinguished Americans—Frederick Douglas and Abraham Lincoln—whose contributions to our society are immeasurable. Let us remember that not only are we honoring Black history; we are celebrating all of our history, American history.

This month we should remember the legacy of the illustrious Harlem Renaissance and the contributions this period had in shaping America's cultural heritage. African American writers Langston Hughes, Richard Wright, Ralph Ellison, James Baldwin, and Toni Morrison have now become major voices in American Literature. Military achievements, not only by the Tuskegee Airmen, the 54th Regiment from Massachusetts, and the 29th Regiment from Connecticut, but by other courageous Black soldiers, have helped to create the gallant Armed Forces of this country. In this month, let us all work together to ensure a positive future for the 40.2 million African Americans who contribute to this Nation on a daily basis.

In my home State of Connecticut, we make note of Hartford's Black governors who oversaw the region from 1755 to 1800; fearless Connecticut abolitionists James Mars and J.W.C. Pennington who petitioned Connecticut's legislature regarding voting and social rights for blacks in the 1840s and 50s; and of course the survivors of the Amistad slave ship, who spent days seated in a Hartford courtroom awaiting their fate by a U.S. circuit court judge. Through relics such as the Old State House, Mark Twain House, Harriet Beecher Stowe House, the Connecticut freedom trails, and the Amistad Center for Arts and Culture, we are paying homage to the extraordinary African Americans who have resided in our State.

Mr. Speaker, this year during Black History Month, I urge my colleagues and this Nation to remember all of the African Americans who have helped to weave the historical tapestry of America. I urge us all to realize the service, dedication and courage that have emerged throughout the decades. This year, let us truly celebrate Black History as a part of us all. Like our motto says, E Pluribus Unum, Out of many we are one. We are a great Nation formed by the contribution of many, and this month we celebrate one of those outstanding groups.

Mr. FEENEY. I yield back the balance of my time.

Mr. HODES. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Hampshire (Mr. HODES) that the House suspend the rules and agree to the resolution, H. Res. 942.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. HODES. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

## DESIGNATING ''RACE DAY IN AMERICA''

Mr. HODES. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 931) expressing support for designation of February 17, 2008, as ''Race Day in America'' and highlighting the 50th running of the Daytona 500.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 931

Whereas the Daytona 500 is the most prestigious stock car race in the United States;

Whereas the Daytona 500 annually kicks off the National Association for Stock Car Auto Racing (''NASCAR'') Sprint Cup Series, NASCAR's top racing series;

Whereas millions of racing fans have spent the third Sunday of each February since 1959 watching, listening to, or attending the Daytona 500;

Whereas the purse for the Daytona 500 is typically the largest in motor sports;

Whereas winning the prestigious Harley J. Earl Trophy is stock car racing's greatest prize and privilege;

Whereas nearly 1,000,000 men and women in the Armed Forces in nearly 180 countries worldwide listen to the race on the radio via the American Forces Network;

Whereas Daytona International Speedway is the home of ''The Great American Race'', the Daytona 500;

Whereas fans from all 50 States and many foreign nations converge at the ''World Center of Racing'' each year to see the motor sports spectacle;

Whereas Daytona International Speedway becomes one of the largest cities in the State of Florida by population on race day, with more than 200,000 fans in attendance;

Whereas well-known politicians, celebrities, and athletes take part in the festivities surrounding the Daytona 500; and

Whereas February 17, 2008, would be an appropriate day to designate as ''Race Day in America'' because the Daytona 500 celebrates its historic 50th running on this day: Now, therefore, be it

*Resolved*, That the United States House of Representatives—

(1) recognizes the 50th running of the Daytona 500, ''The Great American Race''; and

(2) supports designation of a ''Race Day in America'' in honor of the Daytona 500.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Hampshire (Mr. HODES) and the gentleman from Florida (Mr. FEENEY) each will control 20 minutes.

The Chair recognizes the gentleman from New Hampshire.

GENERAL LEAVE

Mr. HODES. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Hampshire?

There was no objection.

Mr. HODES. Mr. Speaker, I yield to myself so much time as I may consume.

Mr. Speaker, as a member of the House Committee on Oversight and Government Reform, I am pleased to join my colleagues in the consideration of House Resolution 931, which expresses our support for naming a ''race day'' in America and recognizes the 50th running of the Daytona 500, which will occur on the 17th at the Daytona International Speedway in Daytona, Florida.

House Resolution 931 was introduced by my distinguished colleague, Representative TOM FEENEY of Florida, on January 17, 2008, and was considered by and reported from the House Oversight Committee on January 29, 2008, by voice vote.

The measure, which has the support and cosponsorship of 68 Members of Congress, couldn't have been considered at a more fitting time as fans across this great country prepare for what is being called the most anticipated event in automobile racing history, the 50th running of the Daytona 500 on Saturday, February 17, 2008.

With a history dating back to February 22, 1959, the Daytona 500 at the Daytona International Speedway is a

500-mile motor sport international sweepstakes that draws the attention of millions of American racing fans and racing fans around the world every February.

Often referred to as ''The Great American Race,'' the Daytona 500 is NASCAR's biggest, richest and most prestigious race and has been won by stock car racing greats such as Dale Earnhardt and Jeff Gordon.

Mr. Speaker, given the monumental occasion of the 50th running of the Daytona 500, I think it is only appropriate that we express our support of NASCAR and ''The Great American Race'' by passing this measure.

I urge passage of this bill.

Mr. Speaker, I reserve the balance of my time.

□ 1500

Mr. FEENEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today to urge support for this resolution designating February 17, 2008, as ''Race Day in America.''

Next Sunday over 200,000 people from all 50 States and around the world will convene at Daytona International Speedway in Daytona Beach, Florida, for the 50th running of ''The Great American Race,'' the Daytona 500.

The most prestigious stock car race in the United States, the Daytona 500 is a 200-lap, 500-mile grand opening to the NASCAR Sprint Cup Series. Boasting the largest purse and stock car racing's most coveted trophy, the Harley J. Earl Trophy, the Daytona 500 has become the ''Super Bowl of Stock Car Racing.''

Each year millions of fans, both at home as well as those serving overseas, tune in to the race by television and radio. Since 1995, the television ratings for the Daytona 500 have been higher than any auto race, and in 2006 the race drew the sixth largest television audience of any sporting event that year.

For 50 years, the popularity of Daytona, and car racing in general, has grown throughout American society. I believe it is fitting that we celebrate this rising American tradition by passing this resolution in honor of the golden anniversary of its most prestigious event. I invite anybody who's free this Sunday to come to Daytona Beach and enjoy this great tradition with us.

Mr. Speaker, I have no further speakers, and I reserve the balance of my time.

Mr. HODES. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Hampshire (Mr. HODES) that the House suspend the rules and agree to the resolution, H. Res. 931.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

## REMEMBERING THE SPACE SHUTTLE ''CHALLENGER'' DISASTER AND HONORING ITS CREW MEMBERS

Mr. MELANCON. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 943) remembering the space shuttle *Challenger* disaster and honoring its crew members, who lost their lives on January 28, 1986.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 943

Whereas January 28, 2008, marks the 22-year anniversary of the tragic accident of the space shuttle Challenger, Mission 51–L, and the loss of seven of America's bravest and most dedicated citizens;

Whereas the space shuttle Challenger disaster occurred off the coast of central Florida, at 11:39 a.m. on January 28, 1986;

Whereas the space shuttle Challenger disintegrated 73 seconds into its flight after an O-ring seal in its right solid rocket booster failed at lift-off;

Whereas the seven-person crew on the shuttle included Commander Francis R. Scobee, Pilot Michael J. Smith, Mission Specialist Judith A. Resnik, Mission Specialist Ellison S. Onizuka, Mission Specialist Ronald E. McNair, Payload Specialist Gregory B. Jarvis, and Payload Specialist Sharon Christa McAuliffe;

Whereas Christa McAuliffe, a schoolteacher from Concord, New Hampshire, was on board as the first member in the Teacher in Space Project;

Whereas the National Aeronautics and Space Administration (NASA) selected Christa McAuliffe from a field of 11,000 applicants to be a part of the Challenger crew and teach lessons to schoolchildren from space;

Whereas the Committee on Science and Technology of the House of Representatives conducted oversight hearings on the Challenger disaster and released a report on October 29, 1986, on the causes of the accident; and

Whereas the House of Representatives continues to support NASA and its ongoing efforts to explore and educate the American public about space: Now, therefore, be it

*Resolved*, That the House of Representatives—

(1) honors the 22nd anniversary of the space shuttle Challenger disaster;

(2) celebrates the courage and bravery of the crew of the Challenger, and Christa McAuliffe and her passion for encouraging America's children to pursue careers in science and mathematics;

(3) commits itself and the Nation to using the lessons learned in inquiries into the space shuttle Challenger accident to ensure that the space agency always operates on a strong and stable foundation; and

(4) recognizes the continued dedication of the United States to the goal of space exploration for the benefit of all mankind.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Louisiana (Mr. MELANCON) and the gentleman from Florida (Mr. FEENEY) each will control 20 minutes.

The Chair recognizes the gentleman from Louisiana.

GENERAL LEAVE

Mr. MELANCON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to include extraneous material on House Resolution 943, the resolution now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. MELANCON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am honored to support House Resolution 943, a resolution honoring the astronauts of the space shuttle *Challenger* and honoring its crew members, who lost their lives on January 28, 1986. And I congratulate Mr. HODES for preparing this resolution.

The tragic loss of the *Challenger* and her crew of seven serves as a continuing reminder that space flight is anything but routine. As we continue to explore outer space, we here on the ground must do our part to ensure that we have learned the lessons of the *Challenger* accident and work tirelessly to make space travel as safe as possible for future generations of explorers.

In addition, I believe we can best honor the sacrifices of the crew of the *Challenger* made by our commitment to renewing America's space program, continuing the Nation's journey into space, a goal to which they dedicated their lives.

Mr. Speaker, it is appropriate that we pause today to honor the memory of the *Challenger* crew, and I urge all my colleagues to support this resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. FEENEY. Mr. Speaker, I yield myself such time as I may consume.

I want to thank my colleague Mr. MELANCON for shepherding this memorial to the floor today. With this resolution, the House of Representatives joins with all Americans to solemnly remember the loss of the space shuttle *Challenger* 22 years ago on January 28, 1986.

Many Americans remember where they were on that cold January morning when the shuttle *Challenger* leapt from its launch pad. After receiving the call ''*Challenger* go at throttle up,'' *Challenger* disintegrated in clear blue skies just 73 seconds into its flight.

We were stunned. One moment *Challenger* was flawlessly flying on a beautiful winter morning. Then, without warning, it was gone.

America turned to mourn its seven astronauts who gave the ultimate sacrifice for the advancement of exploration and discovery: Michael Smith; Dick Scobee; Judith Resnik; Ronald McNair; Ellison Onizuka; Gregory Jarvis; and Christa McAuliffe, a schoolteacher from Concord, New Hampshire, selected to be the first member of the teaching profession in a space project.

That evening, President Reagan spoke from the Oval Office to comfort a grieving Nation. Millions of children had watched the launch because Christa McAuliffe was to later teach science lessons from space. Instead, we were reminded of a deeper lesson. Reagan said:

''I want to say something to the schoolchildren of America who were watching the live coverage of the shuttle's takeoff. I know it is hard to understand, but sometimes painful things like this happen. It's all part of the process of exploration and discovery. It's all part of taking a chance and expanding man's horizons. The future doesn't belong to the fainthearted; it belongs to the brave. The *Challenger* crew was pulling us into the future, and we'll continue to follow them.''

Reagan concluded his address by saying this:

''The crew of the space shuttle *Challenger* honored us by the manner in which they lived their lives. We will never forget them nor the last time we saw them, this morning, as they prepared for their journey and waved good-bye and slipped the surly bonds of Earth to ''touch the face of God.'''

Twenty-two years have passed. America has kept its word. We haven't forgotten the *Challenger* crew. Human space flight is mankind's most difficult endeavor. America has achieved so many successes, space flight seems routine; yet every generation unexpectedly bears witness to space flight's inherent dangers.

Before the *Challenger* disaster, the *Apollo I* crew was lost on Pad 34 on January 27, 1967, in an accident known simply as ''The Fire.'' After *Challenger*, we waited on February 1, 2003, at the Kennedy Space Center's landing strip for the voyagers of *Columbia* who never returned home. January and February are NASA's cruelest months.

On each occasion the people of NASA grieved terribly, but they learned from adversity, and then they rededicated themselves to their mission. America landed on the Moon after The Fire. After *Challenger*, the shuttle flew again to pursue scientific discovery and begin constructing the international space station. After *Columbia*, we returned to flight, and we will complete and use the international space station. Then we will turn our dreams to exploring beyond Earth's orbit by establishing outposts on the Moon and then going further beyond.

Exploration, journey, and bravery define the American people. Each of us comes from a heritage where someone with great courage took a passage to a new beginning, many times with disastrous endings. But the living stubbornly persevered, pushed back vast frontiers, and built a great and glorious Nation. Adversity, including the loss of the *Challenger* crew, can never extinguish this American spirit.

Mr. Speaker, I am proud to support this resolution honoring the brave and dedicated crew of *Challenger*. I urge my colleagues to support House Resolution 943.

Mr. Speaker, I reserve the balance of my time.

Mr. MELANCON. Mr. Speaker, I would like to yield 5 minutes to the gentleman from New Hampshire (Mr. HODES).

Mr. HODES. I thank the gentleman for yielding.

Mr. Speaker, I rise today in strong support of House Resolution 943.

January 28, 2008, marked the 22nd anniversary of the *Challenger* space shuttle disaster. On January 28, 1986, at 11:38 eastern standard time, the *Challenger* took off from the Kennedy Space Center and disintegrated just 73 seconds into its flight, killing all seven members of its brave crew. The accident occurred on what would have been the *Challenger*'s 10th trip into space.

I introduced House Resolution 943 to honor the courage and bravery of all seven crew members who died as a result of this tragic accident. The crew of the *Challenger* embodied the goals of the United States space program and our highest ideals: a commitment to knowledge of our universe and inspiring a new generation of scientific pioneers.

The tragic accident that day was especially poignant for those of us in New Hampshire. New Hampshire is a small State, and we pride ourselves on our sense of community. And one of those crew members was Christa McAuliffe of Concord, New Hampshire, my hometown. She was a friend. She was someone who was woven deeply into the fabric of our community. She touched the lives of countless students. She was a mom. She was somebody who was loved and admired. And she was on board the *Challenger* as the first participant of the Teacher in Space program, the pride of New Hampshire and of Concord and of the Nation, for the first teacher in space was enormous and seemed to magnify the tragedy of the accident.

Christa dedicated her life to education. She taught at Rundlett Junior High School, Bow Memorial Middle School, and Concord High School between 1978 and 1985. On July 19, 1985, she was selected from a field of roughly 11,000 applicants as the primary candidate for the Teacher in Space Project. Her mission as a crew member was to teach schoolchildren lessons from space and to encourage students to pursue careers in science and mathematics.

Twenty-two years after the *Challenger* disaster, Christa McAuliffe's goal of promoting scholarship in the sciences is more important than ever as our Nation works to stay at the forefront of global innovation.

I urge my colleagues to join me in recognizing the anniversary of the *Challenger* disaster and to support House Resolution 943.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in strong support of H. Res. 943, ''Remembering the space shuttle *Challenger* disaster and honoring its crew members, who lost their lives on January 28, 1986,'' introduced by my distinguished colleague from New Hampshire, Representative PAUL W. HODES. This important legislation will honor the lives, the work, and the memory of the seven men and women who lost their lives on the 1986 Space Shuttle *Challenger* mission. I would like to thank Representative HODES for introducing this bill, of which I am proud to be an original cosponsor, as well as Chairman GORDON for his leadership in bringing this important and timely bill to the floor today.

On January 28, 1986, Ellison S. Onizuka, Sharon Christa McAuliffe, Greg Jarvis, Judy Resnik, Michael J. Smith, Dick Scobee, and Ron McNair commenced on a risky journey, which only a select few have had the opportunity to travel. Twenty-two years ago, these extraordinary men and women embarked on what they knew would be a perilous flight, in pursuit of knowledge and driven by the spirit of scientific discovery. As we stand here today, on the floor of the House of Representatives, and commemorate the 22nd anniversary of the *Challenger* tragedy, I believe we should take a moment to recall the purpose to which the crew was dedicated. Astronauts Onizuka, McAuliffe, Jarvis, Resnik, Smith, Scobee, and McNair represent the best in all of us, and it is in their memory that we should devote ourselves to continuing what they began.

Mr. Speaker, as we mourn the tragic loss of these extraordinary men and women, I would also like to praise those individuals who continue to accept the challenges posed by the exploration of space and the dedication of all connected with the manned space program. However, while space exploration continues to be a part of our national destiny, it is vital that safety is made our first priority, in order to protect future astronauts and ensure the tragedy of 22 years ago never happens again.

From the beginning, our Nation has recognized the importance of the exploration of space and has always taken a leading role in its development and exploration. The expansion of our horizons has been essential for reasons beyond the technological advances it may provide. Moreover, it represents mankind's capability to turn distant dreams into a practical reality.

However, safety must remain our first priority. In June of last year, we watched as the Space Shuttle *Atlantis* and the International Space Station both experienced serious safety scares. The shuttle's mission had to be extended following the discovery of a rip in the shuttle's thermal blanket. The space station experienced the failure of a Russian-operated computer system controlling a crucial portion of the station's navigational system. These recent incidents clearly indicate the need for improved safety standards and oversight. Space exploration must be coupled with satisfactory safety assurances.

Because of my ongoing commitment to the safe exploration of space, I was proud to introduce an amendment to H.R. 3093, the Departments of Commerce and Justice and Science, and Related Agencies Appropriations for FY 2008, reaffirming our strong commitment to ensuring adequate safety standards for the International Space Station. My amendment emphasizes the importance of safety standards by ensuring that none of the funds made available in this Act may be used to limit the safety provisions enumerated in the recent NASA Authorization Act. If the recently delivered recommendations of the congressionally mandated International Space Station Independent Safety Task Force are to be successful in identifying and mitigating future risks to the International Space Station, Congress, together with the administration, must firmly reaffirm its commitment to pursuing safety as a

top priority. My amendment was overwhelmingly approved, by a vote of 422 to 3, and accepted into the bill.

At a time where our televisions, newspapers, radios and other forms of media are dominated with discussions of presidential nominations, housing foreclosures, economic stimulus packages, Middle Eastern conflicts and the war in Iraq, it would be all too easy to disregard our commitment to the enterprise of space exploration and its value to the United States and abroad. Let us look to the sky to honor the memory of these fallen heroes who gave their lives for the cause of pushing the limit of human exploration for the enrichment of all of mankind.

Mr. Speaker, words cannot conveyor adequately repay the debt that is owed. We cannot sufficiently articulate the feelings of sorrow that are universally felt; however, we can pay those seven souls no greater tribute than to carry on the work they believed in and paid the ultimate sacrifice for. The contributions to space exploration and service these great astronauts provided are priceless and will never go unrecognized.

I strongly urge my colleagues to join me in supporting this important legislation, and in so doing, giving the men and women of our space program the respect and recognition they deserve.

Ms. HIRONO. Mr. Speaker, I rise in support of H. Res. 943, a resolution that remembers the space shuttle *Challenger* disaster and honors its crew members on the 22nd anniversary of their tragic flight.

On January 28, 1986, the space shuttle disintegrated shortly after takeoff, killing seven crew members. One of those astronauts, Ellison Onizuka, was born and raised in my State of Hawaii and served as Hawaii's first astronaut.

Mr. Onizuka was very enthusiastic about our space program and never hesitated to share his knowledge and experience with the people of Hawaii. He recognized the importance of education and encouraged students to pursue an interest in space and science-related fields. Four major space programs and centers in Hawaii carry on the legacy of this inspiring explorer: the Astronaut Ellison S. Onizuka Space Center, Astronaut Ellison Onizuka Science Day, the Hawaii Space Grant Consortium, and Challenger Center Hawaii.

I urge my colleagues to support H. Res. 943, which honors Mr. Onizuka's contributions and celebrates the courage and bravery of the *Challenger* crew.

Mr. FEENEY. Mr. Speaker, I yield back the balance of my time.

Mr. MELANCON. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Louisiana (Mr. MELANCON) that the House suspend the rules and agree to the resolution, H. Res. 943.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. MELANCON. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

□ 1515

## CELEBRATING THE 50TH ANNIVERSARY OF THE EXPLORER I SATELLITE

Mr. MELANCON. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 287) celebrating the 50th anniversary of the United States Explorer I satellite, the world's first scientific spacecraft, and the birth of the United States space exploration program.

The Clerk read the title of the concurrent resolution.

The text of the concurrent resolution is as follows:

H. CON. RES. 287

Whereas January 31, 2008, is the 50th anniversary of the launch of Explorer I, the first United States satellite to be successfully lofted into space and the world's first scientific satellite;

Whereas the launch of Explorer I marks the birth of the era of United States space exploration, a half-century of advances in both robotic and human exploration of space, including the first footsteps by humanity on another world;

Whereas, since the launch of Explorer I, the United States has launched spacecraft—

(1) to explore each of the solar system's planets and the Earth's Moon;

(2) to observe the Earth and the interactions of its atmospheric, oceanic, and land systems;

(3) to conduct studies of the Sun and its interactions with Earth;

(4) to investigate asteroids and comets;

(5) to peer deeper into space to understand the origin of the universe and the formation of the stars, galaxies, and planets; and

(6) to extend human presence into space;

Whereas Explorer I and the impetus for scientific satellites occurred as part of the International Geophysical Year, a major scientific initiative of 67 nations to collect coordinated measurements of the Earth, whose spirit continues to be embodied in the international partnerships that enhance space endeavors;

Whereas Explorer I carried a scientific instrument designed and built by Dr. James A. Van Allen of the University of Iowa to detect cosmic rays;

Whereas the cosmic ray measurements from Explorer I led to the discovery of regions of energetic charged particles trapped in the Earth's magnetic field, later named the Van Allen radiation belts;

Whereas the combined efforts of Dr. James A. Van Allen and his science team, individuals at the Jet Propulsion Laboratory, and individuals at the Army Ballistic Missile Agency made possible the successful development and launch of Explorer I and ushered in a new age of United States scientific and human exploration of space;

Whereas the next 50 years of United States accomplishments in outer space will rely on individuals possessing strong mathematics, science, and engineering skills and the educators who will train such individuals;

Whereas the United States space program enables the development of advanced technologies, skills, and capabilities that support United States competitiveness and economic growth;

Whereas Dr. Van Allen, commenting on the future of space science a decade ago, said ''there is no shortage of great ideas on what we'd like to do. . . . There is virtually no limit to what can be investigated in interplanetary science and astronomy.''; and

Whereas over the next 50 years the United States will attain additional exciting and significant achievements in robotic and human space exploration: Now, therefore, be it

*Resolved by the House of Representatives (the Senate concurring)*, That the Congress—

(1) celebrates the achievement of the late Dr. James A. Van Allen and his science team and all of the individuals at the Jet Propulsion Laboratory and Army Ballistic Missile Agency who, through the successful launch of Explorer I, brought the United States into the space age and science into the realm of space;

(2) supports science, technology, engineering, and mathematics education programs, which are critical for preparing the next generation to lead future United States space endeavors;

(3) recognizes the role of the United States space program in strengthening the scientific and engineering foundation that contributes to United States innovation and economic growth; and

(4) looks forward to the next 50 years of United States achievements in the robotic and human exploration of space.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Louisiana (Mr. MELANCON) and the gentleman from Florida (Mr. FEENEY) each will control 20 minutes.

The Chair recognizes the gentleman from Louisiana.

GENERAL LEAVE

Mr. MELANCON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to include extraneous material on House Concurrent Resolution 287, the resolution now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. MELANCON. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, I rise today in strong support of House Concurrent Resolution 287. This resolution celebrates the 50th anniversary of *Explorer I*, the first successful launch of a U.S. satellite into space, which took place on January 31, 1958, a date that also marks the 50th birthday of our U.S. space program.

With the launch of *Explorer I*, the United States was the first to send a scientific instrument into Earth's orbit. The measurements from that instrument led to the significant discovery of the Van Allen radiation belts.

We owe our profound appreciation and gratitude to the late Dr. James Van Allen and science team and those individuals from the Jet Propulsion Laboratory and Army Ballistic Missile Agency who made possible the success of *Explorer I*.

Their pioneering efforts launched the beginning of America's journey beyond Earth, a journey that continues to generate remarkable accomplishments in

pushing back the frontiers of scientific knowledge and human space exploration.

Since the launch of *Explorer I* 50 years ago, the United States has led the world in space exploration, with American astronauts taking humanity's first steps on the Moon, and American scientists working with their international colleagues to launch scientific probes to each of the planets in our solar system, to the Moon, asteroids and comets, and to study the Sun and its interactions with Earth and the solar system.

Our astronomical observatories peer deeper and deeper into the universe and our Earth observing spacecraft deliver data that improves our quality of life and helps us preserve the health of our planet. Through these and many other exciting accomplishments, our space program has truly become one of our Nation's crown jewels.

Mr. Speaker, as we celebrate the anniversary of *Explorer I* and past achievements, it is important that we also look to space as a story about America's future.

The U.S. space program is a catalyst for the advanced technologies and innovation that contribute to America's economic competitiveness, and it also serves as a training ground for the scientists and engineers who are so critical to keeping America strong.

In closing, I urge my colleagues to join me in supporting House Concurrent Resolution 287 and America's space program.

Mr. Speaker, I reserve the balance of my time.

Mr. FEENEY. Mr. Speaker, I would yield myself such time as I may consume.

I rise in support of House Concurrent Resolution 287, offered by my friend and Space Subcommittee chairman, MARK UDALL, as well as Mr. MELANCON, RALPH HALL and myself, commemorating the 50th anniversary of the launch of *Explorer I*, America's first satellite. With this launch, America became a spacefaring Nation.

Unlike the Soviets, who 4 months earlier had launched *Sputnik I* in secrecy, America's space program was carried on in full public view. Our first attempt to launch a satellite, *Vanguard I*, ended in failure. As a consequence, some suggested that our preeminence as a world power was jeopardized.

*Explorer I* proved otherwise. The successful launch came through a collaboration of brilliant and dedicated scientists and engineers led by Wernher von Braun, who designed the launch vehicle known as the *Jupiter C*; Dr. Charles Pickering, director of the Jet Propulsion Laboratory, who designed the satellite; and Dr. James Van Allen, who designed the main instrument carried aboard *Explorer I*.

On the night of January 31, 1958, *Explorer I* lifted off from Pad 26A at Cape Canaveral, Florida. Almost 2 hours passed before a ground station in California confirmed the satellite's successful orbit. America was now on a path to achieve space preeminence.

Unlike *Sputnik I*, *Explorer I* did more than demonstrate the ability to place an object into orbit. It had a valuable scientific purpose. *Explorer I* consisted of a Geiger counter that detected cosmic rays, temperature sensors, and a micrometeorite impact microphone. These instruments discovered radiation belts, now named after Dr. James Van Allen, that encircle the Earth.

*Explorer I* stopped transmitting data on May 23, 1958 when its batteries died. But it stayed in orbit until March 31, 1970 and completed about 58,000 orbits around the Earth.

*Explorer I*'s legacy was far greater than anticipated. Few imagined how satellites could maintain our Nation's security and economy and extend man's reach to the far corners of the solar system.

Government and private enterprise, scientists and engineers, worked together to exploit and expand the capacities of space. Today, a vibrant and critical commercial industry builds and launches sophisticated satellites.

In Earth orbit, satellites forecast weather and measure surface winds and other climate variables. They monitor land-use patterns and remote sensing. They help farmers gauge the health of their crops; transmit data, radio and television signals into our homes and to businesses around the world; and they provide the infrastructure for the global positioning system, enabling the capability to accurately navigate to virtually any point on Earth.

Beyond Earth orbit, satellites have visited every planet in the solar system except for Pluto, although a mission is under way to visit this far-away planet in 2015. Satellites have carried rovers to the surface of Mars, they have captured samples of interstellar dust and returned them to Earth, photographed the heavens with exceptional clarity, measured background temperatures and radiation to high precision, and landed on a moon of Saturn.

*Explorer I* also led to our human spaceflight program under which America learned to orbit the Earth, explore the Moon, and live for extended periods aboard the international space station.

H. Con. Res. 287 commemorates the achievements of the *Explorer I* team, and acknowledges its role as the impetus for what has become a critical part of America's greatness. I am pleased to be an original cosponsor of this bill, along with my good friend and ranking Republican member of the Science and Technology Committee, RALPH HALL, and I urge all Members to support it.

I reserve the balance of my time.

Mr. MELANCON. Mr. Speaker, I don't have any further speakers, and I would reserve my time.

Mr. FEENEY. Mr. Speaker, earlier I shamelessly invited people to come and experience the Daytona 500. While they are there, they may want to come visit a museum not far from the Daytona 500. Launch Complex 26, where *Explorer I* was launched, now houses the U.S. Air Force Space and Missile Museum.

If you visit, you can tour the blockhouse from which the *Explorer I* was launched, see launch control equipment from that era and walk on the launch pad. Just a few hundred yards away is Launch Pad 5 where America's first astronaut, Alan Shepherd, was launched into space. Emily Perry serves as the museum's curator. Sixty volunteers, led by Gary Harris, guide these tours. Most of these volunteers are veterans of America's space program, including some from the *Explorer I* era. Their stories provide a window into this fascinating past. Tours begin from the Kennedy Space Center's Visitors Complex and operate 7 days a week.

We have talked about how *Explorer I* began America's journey as a spacefaring people. If you visit the Space and Missile Museum, you can see and touch where that journey began.

Mr. UDALL of Colorado. Mr. Speaker, today we consider H. Con. Res. 287, Celebrating the 50th Anniversary of the U.S. Explorer I Satellite and the Birth of the United States' Space Exploration Program, which I introduced last week.

My statement about its introduction highlighted the inspiring accomplishments of our early space pioneers who contributed to the successful development and launch of Explorer I—America's first space satellite—and the multiple achievements of our Nation's first 50 years in space.

Today, I want to focus on one of the major enablers of America's highly successful space program, namely our highly skilled science and engineering workforce.

As we celebrate 50 years of exciting accomplishments in space, we witness the return on our Nation's past investments in science, technology, engineering, and mathematics (STEM) education.

Those investments produced the cadre of highly skilled scientists and engineers who have led our Nation in pushing back the boundaries of scientific knowledge and making possible the human and robotic exploration of outer space.

Their contributions to our successes in space have also yielded critical benefits by promoting the innovation and advanced technology development that are central to America's competitiveness.

As was expressed so clearly in the National Academies' "Rising Above the Gathering Storm" report and in the America COMPETES Act that was signed into law last year, our nation's economic strength cannot be sustained without renewed investments in STEM education.

Space has always been an attraction for some of America's best and brightest. Our space program provides a unique means of encouraging the pursuit of STEM fields. I urge my colleagues in Congress to support the STEM programs and educators we need to prepare the next generation of scientists and engineers who will lead America's next 50 years of accomplishments in space and on Earth.

And I urge you also to maintain Congress's commitment to making the investments necessary to continue a robust and vital space program for the Nation.

I would like to thank my colleagues Ms. GIFFORDS and Mr. ROHRABACHER for their support of the bill, along with the original cosponsors.

I urge adoption of my resolution.

Mr. ROYCE. Mr. Speaker, I rise in support of H. Con. Res. 287 to celebrate the 50th anniversary of the launch of *Explorer I* and the birth of an era of United States space exploration.

On January 31, 1958, the United States officially entered space as *Explorer I* successfully reached orbit. At a time when our Nation feared the worst from the Soviet Union, the successful launch of *Sputnik* supercharged anxiety. Our Nation responded, and responded quickly.

Explorer I, however, was more than just an emphatic response to *Sputnik*. It was achieved important scientific discoveries, as well. As mechanical engineer Carl Maggio noted, all involved "liked the difference between our satellite and Sputnik," because "ours flew science, the Van Allen experiment." Indeed, amongst the numerous discoveries made by Explorer I, one of the most important was the discovery of the Van Allen radiation belt, a discovery that would be considered as one of the most outstanding discoveries of the International Geophysical Year.

This past weekend, I had the opportunity to visit the home of *Explorer I*—Jet Propulsion Laboratories. Seeing this extraordinary accomplishment in person, I couldn't help but feel a swell of pride knowing that this satellite was the humble beginning of our Nation's esteemed space program. An old proverb holds that even the greatest of journeys begins with a single step. The launch of *Explorer I* was that first step, and it helped pave the way for a half-century of space exploration. Today, JPL missions have rovers on Mars, evaluating soil samples on a microscopic level.

To conclude, I would like to quote the NASA Chief historian Steven J. Dick, who observed that "Like the railroad and the airplane, spaceflight has impacted society in ways even the visionaries could not have foreseen, and that we cannot fully fathom even today." Indeed, through the space program, we continue to make important discoveries whose benefits amaze generations to come.

Mr. WU. Mr. Speaker, I rise in support of H. Con. Res 287, recognizing the anniversary of the launch of *Explorer I*. The launch of *Sputnik I* by the Russians in October 1957 created alarm in the U.S. Many Americans were fearful of what a Russian space program meant for our country.

However, the United States quickly responded. In just 84 days scientists built the *Explorer I* satellite that would begin the next 50 years of space exploration. Scientists at the Jet Propulsion Laboratory collaborated under the leadership of Dr. William Pickering to manufacture what would become *Explorer I*. On January 31, 1958, the United States launched its first satellite into space. Once in orbit, the satellite collected data on cosmic rays. The scientific data was important, but the beginning of our space program was also important for the assurance it provided Americans. *Explorer I* signaled we would not fall behind Russia in space.

Today we continue to rely on scientists, engineers, and mathematicians to solve the pressing problems of our day. These innovators continuously rise to the challenges we as a Nation face. *Explorer I* stands as a milestone in space, and foreshadowed what we would achieve in just 50 years.

Today, the United States remains a leader in space: landing humans on the moon; exploring our solar system; and gaining a better understanding of our land, oceans, and atmosphere. We must continue to reach for new goals in space. By doing so, we continue our leadership of this world and lead humanity to a brighter destiny.

I urge my colleagues to support this resolution.

Mr. FEENEY. I yield back the balance of my time.

Mr. MELANCON. Mr. Speaker, not having any other speakers, I yield back my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Louisiana (Mr. MELANCON) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 287.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

## CONGRATULATING THE X PRIZE FOUNDATION

Mr. MELANCON. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 907) congratulating the X PRIZE Foundation's leadership in inspiring a new generation of viable, super-efficient vehicles, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 907

Whereas the United States is heavily dependent on foreign sources of oil that are concentrated in tumultuous countries and regions;

Whereas the national security and economic prosperity of the United States demand that we move toward a sustainable energy future;

Whereas the ability of foreign governments to assert great control over oil production allows unfriendly regimes to use energy exports as leverage against the United States and our allies;

Whereas continued reliance on the use of greenhouse gas intensive fuels may impact global climate change;

Whereas the automotive sector is heavily dependent on oil, which makes Americans vulnerable to oil price fluctuation and is a major source of greenhouse gas emissions;

Whereas average fuel economy in the United States has increased slowly during the last 20 years;

Whereas many promising technologies exist that can lead to a breakthrough vehicle that will meet the need for sustainable transportation;

Whereas breakthroughs are often achieved by the free market fueling the entrepreneurial spirit of inventors and investors;

Whereas the Automotive X PRIZE is a private, independent, technology-neutral competition being developed by the X PRIZE Foundation to inspire a new generation of viable, super-efficient vehicles that help break our addiction to oil and stem the effects of climate change;

Whereas the Automotive X PRIZE will award a multimillion dollar reward to teams that can design, build, and demonstrate production-capable vehicles that achieve 100 MPG or its equivalent; and

Whereas such prize competitions generate involvement and innovation across a broad spectrum of known and untapped talent such as the $25,000 Orteig Prize won by Charles Lindbergh which leveraged $400,000 worth of additional research by teams trying to win the prize and spurred a $250,000,000,000 aviation industry, and the $10,000,000 Ansari X Prize which leveraged $100,000,000 worth of additional research: Now, therefore, be it

*Resolved*, That the House of Representatives—

(1) congratulates the X PRIZE Foundation's leadership for inspiring a new generation of viable, super-efficient vehicles that help break our addiction to oil through the Automotive X PRIZE competition;

(2) congratulates the X PRIZE Foundation on their innovation and vision to bring together some of the finest minds in the public and private sectors, including government, academia, and industry, to advise and participate in the Automotive X PRIZE competition; and

(3) applauds the X PRIZE Foundation's ongoing commitment to find solutions to some of humanity's greatest challenges as exemplified in the Automotive X PRIZE.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Louisiana (Mr. MELANCON) and the gentleman from Florida (Mr. FEENEY) each will control 20 minutes.

The Chair recognizes the gentleman from Louisiana.

GENERAL LEAVE

Mr. MELANCON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to include extraneous material on House Resolution 907, the resolution now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. MELANCON. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, on June 21, 2004, Space Ship One became the first privately funded craft to take a person into space. Space Ship One flew again on September 29, 2004, and on October 4, 2004, and upon successful completion of these flights, Mojave Aerospace Ventures, the developers of Space Ship One, captured the $10 million Ansari X PRIZE. Just as important as Space Ship One's historic flights, the competition for the X PRIZE spurred the creation of a private spaceflight industry in this country.

It is with this past success in mind that I rise to speak in support of the new Automotive X PRIZE. This new prize will award a multimillion-dollar prize to teams that can design, build and demonstrate production-capable vehicles that achieve 100 miles per gallon or its equivalent. With the current price of oil hovering around $100 per barrel, it is more important than ever that our country develops technologies that increase the efficiencies of our

automobiles. To this end, I was pleased to support H.R. 6, which significantly raised CAFE standards, and would do much to increase the efficiency of American automobiles.

However, the government does not hold a monopoly on innovation. Many of the great discoveries of our time were accomplished by private individuals and companies. From Thomas Edison's discovery of the light bulb to Henry Ford's perfection of the automobile, private innovators have changed the face of America. It is my hope that the Automotive X PRIZE will once again spur the creative and innovative spirit of American citizens to help us in our fight for energy independence and security.

I would like to thank Mr. LUNGREN for introducing this resolution, and I urge my colleagues to support it.

Mr. Speaker I reserve the balance of my time.

Mr. FEENEY. Mr. Speaker, I yield myself such time as I may consume.

I rise in support of H. Res. 907, as amended, which recognizes and congratulates the forward-thinking X PRIZE Foundation on one of its latest contest endeavors, the Automotive X PRIZE.

There is a rich history in this country of prizes sponsored by private entities leading to innovations in science and technology. Starting with the Ansari X PRIZE, the privately funded X PRIZE Foundation has successfully been able to build on the concept of the 1927 Orteig Prize, which awarded $25,000 to the first person to be able to make a nonstop transatlantic flight. While the actual Orteig Prize name may not be well known, the recipient of this prize, Charles Lindbergh, certainly is. The benefits of the $400,000 of investment teams made in an effort to win this prize certainly have been realized, and the $250 billion aviation industry that took off shortly thereafter certainly continues to prosper. Likewise, the 2004 Ansari X PRIZE leveraged over $100 million in research by teams vying for a $10 million price for private spaceflight. Won by Mojave Aerospace Ventures, the Ansari X PRIZE changed the public's perception of personal spaceflight.

Now the Automotive X PRIZE is poised to produce similar results for the next generation of automobiles, viable, super-efficient vehicles. As the resolution states, our ''national security and economic prosperity demand that we move toward a sustainable future.'' This prize certainly helps us move in that direction. It will be awarded to the team that can design, build and sell super-efficient cars that achieve 100 miles per gallon and are not concept cars, but cars that people will want to buy. If successful, the end result in and of itself will be impressive, but the overall benefits to the Nation will be too numerable to measure. This prize, like those before it, will generate millions of privately funded research dollars producing research that may not in the end win the prize, but could spur additional technologies. Likewise, this prize will stimulate the entrepreneurial spirit of inventors and investors alike, both known entities and brilliant minds working in backyard garages.

I congratulate the X PRIZE Foundation's leadership in creating a private, independent competition designed to help move us closer to a sustainable energy future. I wish them much success, look forward to seeing the results it produces, and encourage my colleagues to support this resolution.

With that, I would reserve the balance of my time.

Mr. MELANCON. Mr. Speaker, at this time I have no recognized Members, I think Mr. FEENEY does, so I will reserve the balance of my time.

Mr. FEENEY. Mr. Speaker, I am honored to yield 1 minute to Dr. BARTLETT, my friend from Maryland.

Mr. BARTLETT of Maryland. Mr. Speaker, just a few days ago, Shell Oil Company sent out a press release saying that by no later than 2015 the world would not be able to meet the demands of our economies for oil and natural gas. At just about the same time as that, a group came to my office to brief me on the Automotive X PRIZE. You may have noticed how much harder people will work for a prize than they will for money. Just note the Olympics and what these athletes will do for a prize. So I am very, very supportive of this fantastic idea. I bought the first Prius in Maryland, I bought the first Prius in Congress, and I want to buy the winning car from this competition.

I have here a note from Donald Foley, who is the executive director of the Automotive X PRIZE, and he has noted my desire to buy that winning car. So hopefully we will be driving that to the Congress in not too long.

Thank you very much for yielding.

□ 1530

Mr. FEENEY. Mr. Speaker, I am pleased to yield 2 minutes to my colleague and friend from Nebraska (Mr. SMITH).

Mr. SMITH of Nebraska. Mr. Speaker, prizes have a history of encouraging innovation by promoting competition and expanding the talent pool to include a numerous and diverse array of groups and individuals. Those unable or unwilling to secure grants can participate in the race for the goal. With prizes, government funding is not used to pick technological winners and losers. The prize is only awarded if the goal is met. Prizes encourage the investment of private capital and research, even beyond the monetary value of the prize.

I applaud the X PRIZE Foundation for spurring competition and innovation in the race to a more efficient automobile. When the 100 mile-per-gallon vehicle is achieved, citizens of my home State of Nebraska will be able to drive across the State on Interstate 80 on only 4½ gallons of fuel. This tremendous efficiency would dramatically reduce our Nation's dependence on foreign oil, it would stimulate our economy, and certainly improve our national security.

I am grateful for the vision and enterprise of men like Dr. Peter Diamandis who kindle the spark of innovation that leads to revolutionary technologies.

Mr. FEENEY. Mr. Speaker, I have no further speakers, and yield back the balance of my time.

Mr. MELANCON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I just want to make sure that I check with Mr. SMITH whether that is stopping for red lights that takes 4½ hours to go across Nebraska.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Louisiana (Mr. MELANCON) that the House suspend the rules and agree to the resolution, H. Res. 907, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

## CALLING FOR A PEACEFUL RESOLUTION TO THE CURRENT ELECTORAL CRISIS IN KENYA

Mr. PAYNE. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 283) calling for a peaceful resolution to the current electoral crisis in Kenya, as amended.

The Clerk read the title of the concurrent resolution.

The text of the concurrent resolution is as follows:

H. CON. RES. 283

Whereas on December 27, 2007, the citizens of Kenya went peacefully to the polls to elect a new parliament and a new President and signaled their commitment to democracy by turning out in large numbers and, in some instances, waiting in long lines to vote;

Whereas on December 29, 2007, the opposition presidential candidate, Raila Odinga, was reportedly over 300,000 votes ahead of the incumbent with 90 percent of the precincts reporting;

Whereas on December 30, 2007, the head of the Electoral Commission of Kenya (''ECK'') declared that Mwai Kibaki won the presidential election by 197,000 votes;

Whereas Mr. Kibaki was sworn in as President within an hour of the announcement of the election results, despite serious concerns raised about the legitimacy of the election results by domestic and international observers;

Whereas the lack of transparency in vote tallying, serious irregularities reported by election observers, the implausibility of the margin of victory, and the swearing in of the Party of National Unity presidential candidate with undue haste, all serve to undermine the credibility of the presidential election results;

Whereas the Government of Kenya imposed a ban on live media that day, and shortly

after the election results were announced, in contravention of Kenyan law, the Government also announced a blanket ban on public assembly and gave police the authority to use lethal force;

Whereas on January 1, 2008, 4 commissioners on the ECK issued a statement which called into question the election results announced by the Commission and called for a judicial review;

Whereas the head of the European Union Election Observation Mission stated that ''Lack of transparency as well as a number of verified irregularities . . . cast doubt on the accuracy of the results of the presidential election as announced by the ECK'' and called for an international audit of the results;

Whereas observers from the East African Community have called for an investigation into irregularities during the tallying process and for those responsible for such irregularities to be held accountable;

Whereas in 1991 President Daniel Arap Moi agreed to move from one party rule to multiparty politics, and in 1992, Kenyans voted in record numbers in the country's first multiparty election in almost 26 years;

Whereas in 1997 Kenya held its second multi-party elections, despite extremely high levels of tension between the opposition and the ruling party;

Whereas in 2002 the opposition succeeded in forming and holding together a coalition that for the first time in history ousted the ruling party from power, demonstrating to Kenyans and Africans that incumbency and the entrenched clout of a ruling party can be defeated through the ballot box;

Whereas the violence and unrest in Kenya threatens to roll back the democratic gains made over the past 17 years;

Whereas more than 900 people have died and an estimated 250,000 people, 80,000 of whom are children, have been displaced as a result of the violence;

Whereas Kenya has been a valuable United States ally since independence, providing the United States with access to its military facilities and political support in the United Nations, and has been an important ally in the war against terrorism, especially since the United States embassy bombings in Kenya and Tanzania in 1998;

Whereas the political instability in Kenya is connected to a larger struggle for democracy and is not merely the result of tribal violence;

Whereas continued violence and unrest could have serious political, economic, and security implications for the entire region; and

Whereas the Assistant Secretary of State for African Affairs has stated that ''serious flaws in the vote tallying process damaged the credibility of the process'' and that the United States should not ''conduct business as usual'' in Kenya: Now, therefore, be it

*Resolved by the House of Representatives (the Senate concurring)*, That the Congress—

(1) commends the Kenyan people for their commitment to democracy and respect for the democratic process as evidenced by the high voter turnout and peaceful voting on election day;

(2) strongly condemns the ongoing violence in Kenya and urges all parties concerned to immediately end use of violence as a means to achieve their political objectives;

(3) calls for a peaceful, negotiated settlement of the conflict in Kenya;

(4) calls on the 2 leading presidential candidates to continue to accept external and internal assistance to help find a solution to the current crisis which has the support of the people of Kenya;

(5) calls on Kenyan security forces to refrain from use of excessive force and respect the human rights of Kenyan citizens;

(6) calls for those who are found guilty of committing human rights violations to be held accountable for their actions;

(7) calls for an immediate end to the restrictions on the media, and on the rights of peaceful assembly and association;

(8) condemns threats to civil society groups, journalists, religious leaders, human rights activists, and all those who are making every effort to achieve a peaceful, just, and equitable political solution to the current electoral crisis;

(9) calls on the international community, United Nations aid organizations, and all neighboring countries to provide assistance to those affected by violence and encourages the use of all the diplomatic means at their disposal to persuade relevant political actors to commit to a peaceful resolution to the current crisis; and

(10) urges the President of the United States to—

(A) continue to support diplomatic efforts to facilitate a dialogue between leaders of the Party of National Unity, the Orange Democratic Movement, and other relevant actors that will lead to the establishment of an interim or coalition government in order to implement necessary constitutional reforms, establish a mechanism to investigate the election crisis, and address its root causes;

(B) consider the imposition of targeted sanctions, including a travel ban and asset freeze, on political leaders and other relevant actors who refuse to engage in mediation efforts to end the political crisis in the country; and

(C) conduct a review of current United States aid to Kenya for the purposes of restricting all non-essential assistance to Kenya unless the parties are able to establish a peaceful political resolution to the current crisis which is credible to the Kenyan people.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. PAYNE) and the gentleman from New Jersey (Mr. SMITH) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. PAYNE).

GENERAL LEAVE

Mr. PAYNE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the concurrent resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. PAYNE. Mr. Speaker, I rise in strong support of this resolution and yield myself such time as I may consume.

Mr. Speaker, ''Kenya is at a crossroads.'' Those are the words spoken this morning by the chairman of the Human Rights Commission of Kenya in a hearing that I chaired on the current crisis today.

Kenya had been considered a linchpin on economic and political stability in the East Africa region for decades. We always were proud of the accomplishments and the achievements of them, and we often pointed to Kenya as a beacon of how other African countries and countries throughout the developing world should move towards democracy. However, we have seen very sad occurrences during the past month or two. H. Con. Res. 283 seeks to address the unfortunate and still unfolding political crisis in Kenya.

I went to Kenya last month to assess the situation and to encourage political, religious, community, and civil society leaders to find a peaceful resolution to the current situation. I visited thousands of displaced children in Jamhuri showground and met with volunteers from diverse backgrounds. It was remarkable and encouraging to see Kenyans coming together to help their fellow citizens, donating food and material to those in need.

Indeed, witnessing the violence and meeting the young victims was deeply troubling. Yet, I am confident that Kenyans will come out of this crisis united. Kenyans must put Kenya first.

Kenyans of different religious, ethnic, and economic backgrounds live together peacefully in a region long marred by civil war and political chaos. Unfortunately, like the millions of Kenyans, the more than 170,000 refugees from the Ogaden and Somalia regions in Kenya will also be affected, because when the central government is affected, those other people, refugees and other groups in need, are also affected, as will be the lives of so many others in the countries surrounding Kenya. Many depend on Kenya for economic and industrial progress for their countries to survive.

On December 27, 2007, the citizens of Kenya went peacefully to the polls to elect a new parliament and a new president, despite the logistics challenges and long lines. More than 14 million Kenyans registered to vote. That is 82 percent of the eligible voters. An estimated 2,547 parliamentary candidates were qualified to run in the 210 constituencies, a clear indication of the desire and the determination of Kenyans to participate and to be a part of the political process in their country.

Incoming President Mwai Kibaki was hastily declared the winner by the Electoral Commission of Kenya, after a series of highly irregular events which cast significant doubt on his so-called victory. Let me be blunt: The election results announced by the ECK do not reflect the wishes of the Kenyan people. The people of Kenya voted for change. What they were given was more of the status quo.

In reaction to what occurred, Kenyans went to the streets to express their frustration and anger. The protests soon turned violent, and it is still unfolding as we speak. More than 1,000 people have been killed and over 300,000 displaced as a result of unrest, including an estimated 80,000 children under the age of 5, and these young lives are being traumatized as we speak. Millions more have been adversely affected. Two members of the parliament from the opposition ODM were killed in

January, reducing a five-member lead to three.

The instability in Kenya continues to threaten and affect the economies of neighboring countries, imposing serious threats to regional stability, a fragile region in the first place. But this is going to make it even more fragile. The Kenyan economy has been hit hard and recovery may take a long time.

H. Con. Res. 283 does several critical things. One, it strongly condemns the ongoing violence in Kenya and urges all parties concerned to immediately end the use of violence as a means to achieve their political objectives. It also calls for all parties to participate in good faith and dialogue mediated by former United Nations Secretary General Kofi Annan, and asks President Bush to consider imposing asset freezes and travel bans on leaders in the Party of National Unity, the Orange Democratic Movement, and other relevant actors who refuse to engage in this dialogue to end the current crisis.

Additionally, the resolution calls for the international community to respond to the grave humanitarian needs of the people of Kenya and all neighboring countries to provide assistance to those affected by the violence.

□ 1545

At the same time, it calls for a review of our assistance to Kenya and restrict any nonhumanitarian assistance.

Before concluding, though, I would like to point out that U.S. diplomatic efforts in the wake of the election have not been stellar. Indeed, the response to the Kenyan election crisis proves beyond a doubt that some of the administration officials are too quick to embrace a government that engages in electoral abuses and overlook rather than condemn its electoral and human rights abuses.

We saw this happen in the 2005 elections in Ethiopia. We must proceed carefully and thoughtfully and work with our partners in the EU and AU to help resolve this crisis. I also want to emphasize a very critical point. Despite statements by some to the contrary, what is happening in Kenya is not an ethnic conflict. It is a political conflict with ethnic overtones.

We must look closely at the historical and political context to really understand and to avoid making additional mistakes on how we characterize what is happening today in Kenya. However, if political leaders in Kenya do not make a serious effort to stop the violence now and address the systemic problems that exist in their political structures, the violence we are seeing could certainly reach a point of no return.

Once that happens, it will be very difficult to stop. It is critical that a transitional coalition government is established with a clear mandate to implement necessary reforms such as a new constitution, a new electoral law, a new electoral commission, and address the root causes of the crisis and prepare the country for transparent Presidential elections within 2 years. The people of Kenya deserve no less.

Mr. Speaker, I reserve the balance of my time.

Mr. SMITH of New Jersey. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H. Con. Res. 283, addressing the current crisis in Kenya. I, like much of the world, was shocked by the violence that followed the December 27 elections in Kenya, a country that has proven to be a great friend and ally of the United States over the years.

My heart and my condolences, as well as that of every Member of this Chamber, go out to the victims of this violence and their families, some 1,000 people who have been killed since that fateful election day.

There have been shocking events that few of us expected to see in Kenya, protesters shot by police, gangs with machetes butchering innocents, a crowd of people, including women and children, burned alive in a church. Two opposition parliamentarians, as Mr. PAYNE just pointed out, have been gunned down since the violence began. Now some 300,000 people have fled their homes, have fled their neighbors, and remain displaced. They are virtual refugees within their own country. Aid workers tell us that about 80,000 of these internally displaced people are children under the age of 5.

The priority for everyone has to be to stop the violence and to end the killing. In addition, we must examine the context in which the violence erupted in the first place.

The broad strokes of what happened during and after the December 27 elections are now well known. Millions of Kenyans voted that day in the country's fourth multiparty elections and it is a testament to the Kenyan people that some 14.2 million people, 82 percent of all eligible voters, were registered to vote. I won't recite the polling numbers or give an autopsy of the election, but suffice it to say that at some point the system went terribly wrong.

The European Union said the elections were ''marred by a lack of transparency which raised concerns about the accuracy and final results of this election.'' Election observers from the East African community also raised serious concerns about the elections, and eventually the United States, too, asserted that ''serious flaws in the vote tallying damaged the credibility of the process.''

I want to commend my friend and colleague, Chairman PAYNE, for his leadership on this issue. I joined him to cosponsor this resolution, which calls for an end to the violence and an end to restrictions on the media. It condemns threats to human rights activists and others who are working for a peaceful solution to this crisis. It calls on President Kibaki and the challenger, Mr. Odinga, to work together for a mediated solution to this crisis.

The U.S. must do all that it can to encourage them to move in this direction. The resolution emphasizes our hope that this dialogue will lead to an establishment of an interim or coalition government that can enact constitutional reform and establish a mechanism to investigate this crisis.

Mr. Speaker, I urge strong support and backing for H. Con. Res. 283.

I reserve the balance of my time.

Mr. PAYNE. Mr. Speaker, I reserve the balance of my time.

Mr. SMITH of New Jersey. Mr. Speaker, I yield 4 minutes to the distinguished gentleman from California (Mr. ROYCE).

Mr. ROYCE. I would like to begin by commending the gentleman from New Jersey, Chairman PAYNE, of the Africa Subcommittee. I want to thank him for introducing this resolution that addresses the troublesome violence that is occurring today in Kenya, and I would like to recognize the good work of the subcommittee's ranking member, Mr. SMITH, as well.

Mr. Speaker, the situation in Kenya has been described. Since the post-election violence erupted at the end of December, we know that now over 1,000 Kenyans have been killed. We know that a quarter million souls have been forced to flee from their homes. Many of these homes have been burned. Many individuals have been burned. As this resolution notes, international observers found the election to be seriously flawed, implicating the government. Today, as Kenya's politicians fight for power, its people suffer and some of those people are suffering terribly.

This resolution calls on President Mwai Kibaki and opposition candidate Raila Odinga to accept external assistance to find their way out of this. This has been occurring of late with the former U.N. Secretary General bringing about some progress. But without this, the factions seem incapable of moving ahead on their own.

The resolution also calls for holding accountable those responsible for violence. Widespread violence can almost always be traced back to ringleaders. That was the case in Rwanda, where a small band sparked a genocide. Kenyans don't want their country ripped apart, but a small number of recruiters, I suspect, are leading it in that way. We should do our best to let would-be killers, including government officials, know that the world is watching and they will face the consequences if they incite violence.

The State Department's top official charged with Africa recently called the violence ''ethnic cleansing.'' We cannot be complacent. The potential for violence spiraling upward should never be discounted. This is the reason, of course, that our Peace Corps is leaving Kenya.

Looking back a few months, the U.S. and the international community was complacent and somewhat naive about

the Kenyan elections. News reports and analysts expressed surprise over the election violence. I chaired the Africa Subcommittee for 8 years working with Chairman PAYNE. There is a tendency, an understandable one, to see African ''successes,'' and Kenya has been described as one. While many African countries have made progress, many African countries face fundamental and very difficult challenges that leave them very vulnerable. A better realization of that, a more realistic view, I think, would lead to a better Africa policy.

Kenya is a very important country. Its economy is key to East Africa. This violence has been economically devastating to many Kenyans. We have terrorism concerns in the region. So we have humanitarian and other reasons, other reasons besides just the question of the inhumanity here to help Kenyans move forward. It is Kenyans themselves who must look within to help get out of this crisis. But the U.S. and others should help, and this resolution calls for that help. I urge support for it, and I commend Chairman PAYNE for authoring it.

Mr. PAYNE. Let me thank the gentleman from California and commend him for the outstanding work that he did as chairman of this subcommittee and his continued interest in the subcommittee's activities.

I would like to say that I appreciate the gentleman from New Jersey cosponsoring this resolution, Mr. SMITH, and Mr. WOLF, who has been a true real leader on issues in Africa, too. One of the things that I must say, as I already mentioned about Mr. ROYCE, that our Subcommittee on Africa, regardless of which political party tends to chair it, has worked in a bipartisan manner for the 20 years that I have been a member of the committee, sometimes in the majority, sometimes in the minority.

But the thing that has been very encouraging is that in 95, 96 percent of the time, I would say we are on the same page. We see things the same way. We might have to tweak a word or two here, but by and large, we have been able to move forward on so many important issues because of the bipartisan spirit.

Once again, Mr. ROYCE, I appreciate your continued support, and, of course, Ranking Member SMITH, who is not only doing a tremendous job here but with the Helsinki Commission, and for the fact that he is very interested in the situation in China, I appreciate your continued human rights efforts. It's a pleasure to work with you.

Mr. KENNEDY. Mr. Speaker, will the gentleman yield?

Mr. PAYNE. I yield to the gentleman from Rhode Island.

Mr. KENNEDY. I want to thank the gentleman from New Jersey for his work in this area and just say, having just returned from another part of the world that has been turned upside down by election disturbances in Pakistan, with the assassination of Benazir Bhutto, it's clear to me that the United States' interest in monitoring elections is paramount because of the national security implications in all of these parts of the world, that we have election monitors stationed in all of these places of the world where there are elections.

I know that the NDI and the NRI, the National Democratic Institute, National Republican Institute and these organizations that we promote as a country, we need to, as a Congress, continue to support those organizations because they are absolutely indispensable towards our national security in helping to secure better faith and confidence in these elections that are taking place around the world. If there is confidence in these elections, and, clearly, these elections have been called into dispute, especially here in Kenya, then there is going to be an unraveling of confidence, and, as we have seen, an occurrence of violence. That occurrence of violence is going to be destabilizing, not only to the region but also to our own national security interests.

That is why I support this resolution and certainly want to salute my colleagues in saying that in the future, we need to do more to support these efforts of monitoring these elections and giving the support that they need on the ground to make sure that they really are transparent elections in every sense of the word.

I thank the gentleman for his leadership.

Mr. PAYNE. Let me thank you very much. Let me also commend you for the work that you continue to do in Cape Verde and other developing countries, and your work in Haiti certainly makes all of us proud.

With that, Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. SMITH of New Jersey. Again, I want to thank Chairman PAYNE for his great leadership on this issue. We work very well together on that committee.

Mr. Speaker, this was very important, and it is very important that we get a very strong vote by the House on behalf of the Payne resolution. We need to send a clear message to Kenya that we are watching, that we care deeply about what is unfolding there, and that we stand in solidarity there with those who have lost loved ones, with the IDPs and others.

We want a robust democracy in Kenya because they want a robust democracy in Kenya. The people deserve it. We thought they had it to some extent.

I think the chairman's mention of Ethiopia was a very important one. We thought Ethiopia was moving in the right direction. An election was held. It was seriously marred with irregularities, and then a series of killings followed thereafter. That's still a very unsettled part of the world as well. Again, I want to thank the chairman for his important resolution.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in strong support of H. Con. Res. 283, calling for a peaceful resolution to the current electoral crisis in Kenya, introduced by my distinguished colleague from New Jersey, Chairman PAYNE. This important legislation commends the Kenyan people for their significant strides towards democracy and calls for the peaceful resolution of their current electoral crisis.

As a senior Member of the Committee on Foreign Affairs as well as the Subcommittee on Africa and Global Health, I am deeply concerned with the current crisis in Kenya. It saddens me to see the once relatively stable country of Kenya explode into chaotic violence, which has left more than 900 people dead and forced 300,000 people from their homes. Democracy must move forward in Kenya, and the cry for clear, transparent and peaceful elections must not go unheard by the international community. As Kenya's political crisis also becomes a humanitarian emergency, with over 300,000 people displaced from their homes and the distribution of food aid halted, experts have begun to warn of a looming health crisis. It is vital for the people of Kenya that we work rapidly to bring this conflict to a peaceful conclusion.

This important legislation denounces Kenyan security forces from using unwarranted force and urges them to respect the human rights of Kenyan citizens. This legislation further condemns the callous terrorization to civil society groups, journalists, religious leaders, and civil rights leaders.

While Kenya has long been an important friend and ally to the United States, at times our relationship has been strained due to concerns about corruption and human rights conditions in the sub-Saharan nation. However, this intricate relationship has been recently renewed and reinvigorated with the advent of the 1992 multiparty elections in Kenya. The people of Kenya have shown a desire and commitment for democracy that is unprecedented and sets a new standard for the region. Their unparalleled commitment to democracy and respect for the democratic process is indicated in the high voter turnout and peaceful voting on election day.

On December 27, 2007, the desire of the Kenyan nation for a meaningful change in politics and the revival of democracy was manifest in the millions of Kenyans who took to the polls. The months preceding the December elections showed opposition candidate Raila Odinga leading in the polls over incumbent President Mwai Kibaki. Amidst domestic and international cries of polling irregularities, the Electoral Commission of Kenya declared President Kibaki as the winner.

It is not the election itself but rather the aftermath of the elections and a way forward that concerns us here today. The Kenyan Constitution authorizes the establishment of the Electoral Commission of Kenya, ECK. While the ECK is comprised of 22 commissioners, 19 of the commissioners were appointed by President Kibaki last year, which is authorized by the Kenyan Constitution. What is not authorized was the appointment of the new commissioners without proper consultation with opposition parties, which violated the Inter-Parliamentary Parties Group Agreement of 1997. While the ECK quickly declared President Kibaki the winner, the chairman of the commission later admitted that he ''was

under intense political pressure from powerful political leaders and the ruling party.'' Furthermore, press reports quote the Kenya Electoral Commission Chairman Samuel M. Kivuitu as stating that ''the day he went to deliver the certificate declaring Kibaki the winner, he saw the chief justice already at the State House reportedly waiting to swear in Kibaki.'' The swearing-in ceremony itself was so rushed that it is said organizers forgot to include the national anthem in the program. Mr. Speaker, to call these events ''irregularities'' as the ECK commissioners and ECK staff have conceded, is a vast understatement. In order for Kenya to continue moving forward on its current democratic trajectory, elections must be transparent, free, and fair, none of which were seen in the December 27 election. This legislation calls upon the two leading presidential candidates to accept offers of external and internal assistance to help find a solution to the current crisis that has the support of the people of Kenya.

What is equally disturbing was the United States' reaction to this electoral crisis. While the EU observers criticized the election for its myriad of inconsistencies, on December 30, the United States government reportedly congratulated President Kibaki for his victory. In a recently released report, the EU concluded, ''the 2007 general elections have fallen short of key international and regional standards for democratic elections. Most significantly, they were marred by a lack of transparency in the processing and tallying of presidential results, which raises concerns about the accuracy of the final results of this election.'' Following both regional and international uproar, the United States seemingly changed its position in January as Assistant Secretary of State for African Affairs, Jendayi Frazer, declared that ''serious flaws in the vote tallying process damaged the credibility of the process.'' Such inconsistency on the part of diplomatic corps of the United States sends a poor message to our friends and allies struggling for democracy across the sea.

As outrage over the electoral results permeated throughout the country, so too did spontaneous demonstrations of anger and ultimately violence. Recent statistics reported by the UN and Kenyan sources state that since late December more than 900 people have been killed and an estimated 300,000 displaced, including some 80,000 children under the age of five. International observers have proclaimed that while some protestors died due to mob violence, many others were reportedly shot and killed by police. While the Kenya military did not engage in riot control for most of January, press reports and Kenyan sources state that Kenyan police and security were given authority to use lethal force to dissipate mobs. In the wake of the disputed election results, the Kenyan government banned demonstrations and initiated media restrictions, which seem to have further stoked the fire.

Mr. Speaker, with the intolerable number of Kenyans dead and displaced, it is imperative that the United States play a meaningful role in resolving the current crises. With, two failed international missions, it is time that we rethink our strategy in addressing the current crisis.

The ongoing violence as a means to achieve political objectives in Kenya must come to a halt. We need the superior support of the United Nations to assist those affected by violence, and use all the diplomatic means to persuade relevant political actors to commit to a peaceful resolution to the crisis. This legislation emphasizes precisely these issues.

I strongly urge my colleagues to join me in supporting this extremely important legislation that arbitrates for the Kenyan people.

□ 1600

Mr. SMITH of New Jersey. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. PAYNE) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 283, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. PAYNE. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

## CONGRATULATING LEE MYUNG-BAK ON ELECTION TO PRESIDENCY OF THE REPUBLIC OF KOREA

Mr. PAYNE. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 947) congratulating Lee Myung-Bak on his election to the Presidency of the Republic of Korea and wishing him well during his time of transition and his inauguration on February 25, 2008.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 947

Whereas the United States and the Republic of Korea share a longstanding and comprehensive alliance rooted in the common principles of freedom and democracy;

Whereas on June 11, 2007, the House of Representatives passed H. Res. 295 recognizing ''the strong alliance between the Republic of Korea and the United States and expresses appreciation to the Republic of Korea for its contributions to international efforts to combat terrorism'';

Whereas on December 19, 2007, the Senate passed S. Res. 279 recognizing that ''the strength and endurance of the alliance between the United States and the Republic of Korea should be acknowledged and celebrated'';

Whereas, since 2000, the United States House of Representatives and the Republic of Korea National Assembly have engaged in an interparliamentary exchange to discuss issues central to the U.S.-Republic of Korea relationship;

Whereas there are deep cultural and personal ties between the peoples of the United States and the Republic of Korea, as exemplified by the large flow of visitors and exchanges each year between the two nations, as well as the nearly two million Korean-Americans;

Whereas Congress recognizes January 13 as Korean-American Day, honoring the contributions of Korean-Americans in forging stronger bilateral ties between our two countries;

Whereas the Republic of Korea is the United States seventh largest trading partner and the United States is the third largest trading partner of the Republic of Korea with nearly $80 billion in annual trade volume;

Whereas the United States and the Republic of Korea are working closely together to promote international peace and security, economic prosperity, human rights, and the rule of law; and

Whereas Lee Myung-Bak, upon winning the election to become the next President of the Republic of Korea, stated that he would seek to further strengthen the relationship with the United States: Now, therefore, be it

*Resolved,* That the House of Representatives congratulates Lee Myung-Bak on his election to the presidency of the Republic of Korea and wishes him well during his time of transition and on his inauguration on February 25, 2008.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. PAYNE) and the gentleman from California (Mr. ROYCE) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey.

GENERAL LEAVE

Mr. PAYNE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. PAYNE. Mr. Speaker, I rise in strong support of this resolution, and I yield myself such time as I may consume.

I would like to first thank my friend Mr. ROYCE of California for introducing this resolution which congratulates President-elect Lee Myung-Bak on his victory in the South Korean presidential elections.

In electing Lee Myung-Bak, the South Korean people have selected a man of exceptional accomplishment and proven leadership. During his 27 years at the helm of Hyundai Group, Mr. Lee transformed the company from a successful but relatively small local corporation into South Korea's largest industrial conglomerate with a dominant worldwide presence.

Mr. Lee and Hyundai's success helped drive the Republic of Korea's dramatic success as an East Asian economic ''tiger'' in the seventies, eighties and nineties. The parallel is particularly appropriate since in English the Korean word ''hyundai'' means ''modern.'' As Mr. Lee led the company to new heights, he played a direct role in the spectacularly rapid modernization of the Republic of Korea.

Mr. Lee's extraordinary professional career is right at home among the American Dream stories of our Nation. The son of a cattle rancher who fell onto hard times, Mr. Lee was born into poverty and worked his way through

college as a garbage collector. Relying on his talents and work ethic, he eventually rose to the pinnacle of the business world.

Committing himself to politics, he became the mayor of Seoul and applied his leadership skills and his no-nonsense approach to improve that important city. Now as South Korea's president, he is uniquely able to lead and further strengthen his country, one of the United States' closest and most significant allies.

Mr. Lee's story is a potent reminder that the friendship between the United States and the Republic of Korea is based not only on our shared interest but also our shared values. For over 50 years, our two countries fought together against common threats such as communism, but the foundation of our alliance is a common commitment to democracy, individual liberties, and human rights.

The end of the Cold War did not end the critical role of our alliance in promoting and protecting political and economic freedoms in Asia and around the world. Today, we work side by side to combat international terrorism, denuclearize the Korean Peninsula, and promote peace and stability in northeast Asia. This work relies on our strong military alliance, bolstered by 28,000 military personnel stationed in the Republic of Korea.

We also share a dynamic economic relationship. With two-way trade approaching $80 billion, South Korea is the United States' seventh largest trading partner, and the United States is the fourth largest trading partner of the Republic of Korea. Our shared commitment to free, fair, and open political systems is reinforced by our commitment to free, fair, and open markets.

Further strengthening our bilateral relationships and our bonds of friendship are the millions of South Korean visitors that come to the United States and the millions of visitors from the United States that travel to South Korea every year. Many South Koreans who come to the United States do so to visit their Korean American family members, who make up a vitally important part of the United States' social and economic fabric.

Based on these shared interests and values, the U.S.-Republic of Korea relationship is strong and is poised to grow even stronger.

With this resolution, we in Congress rightly congratulate Mr. Lee Myung-Bak on becoming the next president of South Korea, welcome his inauguration on February 25, and look forward to the opportunity to work with him to further strengthen the relationship between our two countries.

I strongly support this resolution, and I encourage my colleagues to do the same.

Madam Speaker, I reserve the balance of my time.

Mr. ROYCE. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in support of this resolution, House Resolution 947, which I authored and which has the support of Chairman LANTOS and Ranking Member ROS-LEHTINEN and Mr. PAYNE and Mr. FALEOMAVAEGA of the Foreign Affairs Committee, among others.

I serve as a member of the Asia Subcommittee and as the vice chairman of the U.S.-Republic of Korea Interparliamentary Exchange. This resolution congratulates Lee Myung-Bak on his election as president of the Republic of Korea and wishes him well during his time of transition.

In this country, Korean Americans watched the Korean presidential campaign with great interest, and their community has played a very important role in bringing greater attention to issues of mutual importance, and I would like to recognize their efforts.

The U.S. partnership with Korea dates back to 1882 with the signing of the Treaty of Peace, Amity, Commerce, and Navigation between the Kingdom of Chosun and the United States. This treaty contemplates everlasting amity and friendship between our two peoples, and for over 125 years, we have worked to achieve this.

One of the truest tests of our partnership with South Korea came in June of 1950 when Communist North Korea invaded the South. American and South Korean forces fought valiantly side by side and they warded off that Communist onslaught.

In the 60 years since, the U.S.-South Korean relationship has blossomed in every respect: economic, political, militarily. Nearly 30,000 U.S. troops stand along with the South Korean Army to preserve stability in northeast Asia. South Korea has grown into the seventh largest trading partner with the United States.

And on February 25 of this year, Lee Myung-Bak will assume the presidency of the Republic of Korea. He does so at a critical time during our partnership. The Republic of Korea and the U.S. once again face a great challenge in dealing with a nuclear-armed North Korea, a regime that denies its citizens the most basic of human rights. The Six Party Talks have stalled, and Kim Jong-Il's regime has continually failed to come clean on the extent of its nuclear programs. Yesterday, Admiral Michael McConnell, Director of National Intelligence, testified that ''while Pyongyang denies a program for uranium enrichment, and they deny their proliferation activities, we believe North Korea continues to engage in both.''

I am hopeful that President-elect Lee Myung-Bak will offer a new, effective approach to these challenges. To date, Lee Myung-Bak has argued that the previous administrations gave too much unconditional aid to buy reconciliation with the North. In a recent press conference, President-elect Lee said he would like to discuss human rights and the whereabouts of abducted South Koreans with Pyongyang. Such ''controversial'' issues, amazingly, were taboo to previous governments which sat out a U.N. condemnation of North Korea's human rights abuses just last fall.

Importantly, President-elect Lee is a strong proponent of the U.S. trade agreement. As the South Korean Army continues to strengthen, the economic relationship between our two countries will increasingly define this overall relationship. That is why I heard so much about the trade agreement on my trip to Korea last summer in my role as the vice chairman of the U.S.-Republic of Korea Interparliamentary Exchange.

At a time when many are worried about the future of our economy, it is essential that we expand into foreign markets. The Korea-U.S. FTA will do just that, opening up Korean markets to U.S. products. If KORUS isn't passed, it won't just be our economy that will suffer, but our relationship with the Republic of Korea.

In closing, I would like to congratulate President-elect Lee on his victory. In the past 60 years, the U.S.-Republic of Korea alliance has helped move both countries forward. I know many of us in Congress greatly look forward to the opportunity to work together to further our already-strong partnership.

Madam Speaker, I reserve the balance of my time.

Mr. PAYNE. Madam Speaker, I reserve the balance of my time.

Mr. ROYCE. Madam Speaker, I would like to yield to the ranking member, Mr. SMITH, for as much time as he may consume.

Mr. SMITH of New Jersey. Madam Speaker, I congratulate the gentleman on his authorship of this fine resolution. I rise today to express my support for the resolution honoring the upcoming inauguration of Mr. Lee Myung-Bak as 17th President of the Republic of Korea.

South Korea's rise from the ashes of war and subsequent evolution as a vibrant and prosperous democracy is truly one of the miracles of the second half of the 20th century.

I believe that our Korean war veterans, who sacrificed so much and fought so valiantly, and all of the American people, can take great pride in the assistance that we provided for that remarkable evolution.

Today, the bright lights in the night sky on the southern half of the Korean peninsula stand in marked contrast to the shadow of darkness that enfolds North Korea. North Korea is a tragic failed state and is one of the great losers of the Cold War; yet its starving yearn to breathe free and share in the prosperity of South Korea.

The peaceful, democratic reunification of North Koreans with their southern brothers is a noble endeavor to which we should give our full and unflinching support.

Mr. Lee's inauguration comes at a time when we have reached a crossroads on the Korean peninsula.

North Korea must decide whether to completely and unconditionally renounce its nuclear weapons program and finally join the family of nations. Its alternative is to slip slowly into the abyss as a dynamic South Korea leaves it farther and farther behind.

The fact that President Lee has given a firm indication that he wishes to work together with the United States and our allies as a team to resolve the North Korean nuclear crisis is welcome news indeed. Mr. Lee has also said that it is his priority to strengthen an alliance which was forged in the crucible of the Korean War.

From the dark days of the Pusan perimeter to the brilliant Inchon landing, American, Allied, and South Korean troops all fought together in the drive to victory with the liberation of Seoul. This is in part the shared history of our two countries which has linked us in a common destiny.

I would especially like to commend President Lee for raising the long-forgotten issue of the old soldiers of South Korea, left behind as POWs in the North and held against their will for over 50 years since the signing of the armistice. I would also like to note with extreme sadness that more than 8,000 U.S. servicemen remain missing in action from that conflict.

Finally, the alliance and friendship between the Republic of Korea and the United States have been promoted and deepened by the many contributions of our own vibrant Korean American community. While ever mindful of the old country from which they came, Korean Americans have stepped forward in innumerable ways, in science, medicine, religion, business, education, music, athletics, and culture, to make invaluable contributions to the United States.

In saluting President-elect Lee and the strength of our alliance, we also honor those Korean Americans who have ensured that the links between our two countries are truly the ties that bind.

So, President-elect Lee, we wish you and your country Godspeed as you approach your inauguration on February 25.

□ 1615

Mr. PAYNE. Let me once again say that I certainly support this very timely resolution and urge that our two countries continue to forge strong relations.

We, as has been mentioned, have a very strong Korean American community, even in my State of New Jersey. But also, I'd just like to mention, now that I'm thinking about it, several years ago I had the opportunity to visit a hospital in Ethiopia. A Christian organization built a hospital. Much of the funds came from individual businesspeople from South Korea. The Myung Sung Christian Hospital in Addis is the finest hospital in all of Ethiopia, and it was built by the Koreans who wanted to show their appreciation for Ethiopian soldiers who fought with them in the Korean War.

And, as a matter of fact, it's very interesting that the South Korean Government still pays veterans a monthly stipend, those who are still alive, of course, and who served in that war, they send them a check every month to show their appreciation for the Ethiopians who fought. I don't know of many countries that have done anything like that.

So, Mr. ROYCE, I certainly support your resolution.

Mr. GARRETT of New Jersey. Madam Speaker, I am pleased that the House is considering H. Res. 947 today, congratulating Lee Myung-Bak on his election to the Presidency of the Republic of Korea. I was proud to cosponsor this resolution and I join with my fellow Members in wishing him well during his time of transition this month.

When Lee Myung-Bak is inaugurated on February 25, I am confident that he will do much to broaden the longstanding relationship between the Republic of Korea and the United States of America. In the past month, he has already met with President Bush and Vice President CHENEY, as well as several members of the President's Cabinet and Members of Congress.

President-elect Myung-Bak is well-qualified to assume his new role. He earned a B.A. in Business Administration at the Korea University and later served as a Visiting Scholar at George Washington University here in Washington, DC before being awarded two Honorary Doctor of Economics degrees.

Additionally, President-elect Myung-Bak's past professional experience has honed his vital business, diplomatic, and political skills. For 15 years, he was the CEO of 10 Hyundai Group affiliated companies. He then served as a National Assemblyman from 1992 to 1998 before being elected Mayor of Seoul in 2002.

I applaud President-elect Myung-Bak for expressing his commitment to free market policies that encourage both foreign and domestic investors. I look forward to the ratification of the United States-South Korea Free Trade Agreement and I welcome his proposed plans to reduce trade restrictions and lower tax rates. Furthermore, as the Republic of South Korea assists in negotiating Pyongyang's denuclearization, I urge the President-elect to closely integrate U.S. and Japanese initiatives related to the Democratic People's Republic of Korea.

Today, I join my colleagues in congratulating President-elect Myung-Bak, and I wish him, his wife and four children success in the years ahead.

Mr. BURTON of Indiana. Madam Speaker, I rise today in strong support of House Resolution 947, sponsored by my friend and colleague from California, Mr. ROYCE, which offers the House of Representatives' congratulations to Lee Myung-Bak on his election to the presidency of the Republic of Korea.

Additionally, this resolution recognizes the very special and longstanding relationship between South Korea and the United States; a relationship whose modern day form was first forged in the heat of battle as U.S. and South Korean soldiers fought to defend South Korea from aggression by Communist North Korea. In fact, our history of friendship reaches beyond the past century; and just last year we celebrated the 125th anniversary of the Korean American Treaty of Peace, Amity, Commerce and Navigation which was signed in 1882.

In my opinion, it is hard to overestimate the importance of the close bond between the United States and South Korea. The United States and Korea have a mutual defense treaty that dates back to 1953, and Korea has supported U.S. military efforts abroad, as recently as in both Iraq and Afghanistan. Korea has been one of only four partners and allies that stood with us through all four major conflicts since World War II. In addition, South Korea demonstrated her great friendship and generosity in the aftermath of Hurricane Katrina, pledging over $30 million in aid for relief and recovery efforts—the fourth largest amount donated by any foreign country.

On June 30, 2007, representatives of both governments signed the historic United States-Korea Free Trade Agreement. If and when this agreement is approved by Congress I believe it will increase trade and investment flowing through our agriculture, industrial, consumer products, automobile and financial services sectors. I believe this agreement will enhance the strong partnership between two great democratic nations and will open the door wider to the exchange of science and ideas that will cause us both to continue to prosper.

This agreement is a natural extension of the strong affinity between our two countries, marked by extraordinary diplomatic, political, military, and economic cooperation. Although the devil is always in the details, I understand that this agreement could potentially be the most commercially-significant free trade agreement signed by the United States in more than a decade.

As many of my colleagues already know, South Korea is already the United States' seventh largest export market and sixth largest market for U.S. agricultural products. In fact, according to the latest statistics, our annual bilateral trade totals nearly $80 billion. Any agreement that can open up more Korean markets to U.S. goods and services can only have a positive effect on the American economy by creating more and better jobs, enriching consumer choice, and boosting U.S. industry and manufacturing.

Koreans have invested nearly $20 billion in the United States, and have created American jobs through companies like Hyundai Motors, Samsung Electronics, and Kia Motors. And as the largest investor in Korea, the United States already has a leading presence in that country.

As I have said before and will continue to say, I think it is important to note that trade relationships do more than just facilitate economic growth; this FTA recognizes our special relationship with South Korea that I mentioned before and makes the strong statement that we will continue to stand with our allies.

South Korea is the fifth largest tourism-generating country to the United States with over 800,000 Koreans visiting the U.S. every single year. This number is expected to double (at the minimum) when South Korea joins the Visa Waiver Program. According to the Department of Homeland Security, South Korea also has the largest foreign student population in the U.S. Nearly 2 million Americans of Korean descent live in communities all across our Nation, representing all walks of life and making innumerable contributions to the enrichment of our Nation's culture and economy.

South Korea is a strong, unwavering ally in the U.S.-led Global War on Terror, having dispatched the third largest contingent of troops to Iraq, and to Afghanistan (where a South Korean soldier was killed during hostile action), and to Lebanon in support of peacekeeping operations; and South Korea is a key partner in the Six-Party Talks to resolve North Korea's nuclear issue.

I firmly believe that South Korea may be the premier success story of U.S. foreign policy in the post-World War II period. Having assisted South Korea in transforming itself from a war-torn, impoverished economy into a successful democracy with a free enterprise economy (the world's 11th largest), South Korea is now an indispensable partner with the United States in promoting democracy, a free market economy and respect for the rule of law around the world.

I believe that President-Elect Myung-Bak understands and appreciates the important history behind our bilateral relations. His desire to better relations with the United States through an emphasis on free market solutions encourages me that the work we have begun will continue to grow under his leadership. I look forward to a continuation of the United States-South Korean partnership during the President-Elect's term and for many years beyond.

I strongly urge my colleagues to support H. Res. 947 and join me in congratulating President Lee Myung-Bak, and extending to him the very best wishes of the House of Representatives as he assumes office later this month.

Mr. FALEOMAVAEGA. Madam Speaker, let me first commend our distinguished colleague and member of the Committee on Foreign Affairs Subcommittee on Asia, the Pacific and the Global Environment, my good friend and colleague, the gentleman from California (Mr. ROYCE) for being the author of and introducing this important resolution.

The underlying context for this important resolution, which congratulates President-elect Lee Myung-Bak and wishes him well as he assumes his new duties on February 25, 2008, is that the Republic of Korea has, through the industrious will of its people and the unyielding leadership of its elected officials, transformed itself into a successful democratic nation.

As the twentieth century taught us all too well, democratic governance is a fragile enterprise. That the Republic of Korea, in merely six decades, emerged from the ashes of colonial rule and war torn poverty to become the eleventh largest economy in the world and America's seventh largest trading partner, is a tribute to their strong democratic principles and indelible desire to live peacefully and prosperously despite the enormous challenges facing the Korean Peninsula and the Northeast Asia region.

Madam Speaker, the strong alliance between the United States and the Republic of Korea has proven itself to be a relevant and resilient relationship since our involvement when we fought side by side in the Korean War nearly 58 years ago. Out of that often "forgotten" conflict was born one of the most significant dividing lines of the Cold War, the demilitarized zone on the 38th parallel but, at the same time, one of the most successful alliances in our Nation's history.

The Republic of Korea has remained a steadfast ally of the United States. South Korea has contributed the third largest coalition troop contingent in Iraq, pledged $460 million toward postwar reconstruction and had previously also committed troops for peacekeeping operations in Afghanistan, and Lebanon. As a key member of the Six-Party Talks to denuclearize North Korea, the Republic of Korea shares an important responsibility for broader security in Northeast Asia. Today, we are committed absolutely to compelling the North Korean regime to eliminate its nuclear program and to ensuring that promises made by Pyongyang are, in fact, followed through with verifiable action.

The combination of South Korea's efforts to stand alongside the United States in meeting the global threats of the 21st century as well as the North Korean challenge makes this resolution particularly important today. President-elect Lee Myung-Bak has stated that he "will do [his] best to resolve the North Korean nuclear problem through cooperation and a strengthened relationship with the United States." I am very encouraged by President-elect Lee's remarks and, as Chairman of the Subcommittee on Asia, the Pacific and the Global Environment, I look forward to working with his administration to this end.

What is clear from our longstanding relationship over the past half-century is that it is reciprocal. As President-elect Lee's Special Envoy to the United States, Dr. Chung Mong-Joon, said recently after meeting Deputy Secretary of State John Negroponte last month, "We both need each other." Let me also take this opportunity to once again congratulate my good friend, Dr. Han Seung-soo, on his nomination to become Prime Minister. I am confident that Dr. Han's nomination will serve to further consolidate our alliance partnership under President-elect Lee's leadership.

Madam Speaker, many years ago, I served in the U.S. Army during the Vietnam War, and I remember vividly the presence of more than 300,000 soldiers from South Korea who bravely served and fought alongside our American forces. Through that particular experience, I learned quickly and firsthand, the special friendship and bond that existed between the United States and the Republic of Korea.

I personally will never forget the sacrifices that South Korean soldiers made in that terrible conflict in Vietnam. In fact, South Korea has the unique distinction of being one of only four allies that fought alongside the United States in all four major conflicts since World War II and I hope that my other colleagues will join me in thanking the leaders and people of the Republic of Korea for the untold sacrifices they made to be with us when we needed help.

This resolution, while focusing on the peaceful, democratic transition to the presidency of Lee Myung-Bak, honors our special alliance but also welcomes a strengthening and deepening of the relationship between our two countries and our two peoples.

I have had the privilege on several occasions to visit the Republic of Korea and I have observed that the South Korean people are among the most industrious men and women in the world. However this trait for hard work and entrepreneurship developed, it has carried over despite geographic distance to the more than two million Americans of Korean heritage and descent that live throughout our own country today. The vibrant Korean American communities across the United States include some of the most prominent individuals that have contributed to every facet of American life in every state and territory.

Madam Speaker, this resolution is very important to show our sense of appreciation to all South Koreans, to express how much we care about them and how important they are to our strategic and economic interests in that important region of the world. Its effect is not just to deliver good wishes to President-elect Lee as he assumes office on February 25, but to send a message of solidarity to the government and people of the Republic of Korea and to the soldiers who have fought side by side with the men and women of our own armed forces over the past nearly 60 years.

For all these reasons, this resolution is most fitting, and proper. I wish to congratulate President-elect Lee Myung-Bak and commend again my good friend, the gentleman from California, for offering and proposing this resolution. I strongly encourage my colleagues to offer their own expressions of support and urge the House to adopt this resolution today.

Mr. PAYNE. Madam Speaker, I have no more requests for time, and I yield back the balance of my time.

Mr. ROYCE. Madam Speaker, I yield back the balance of my time as well.

The SPEAKER pro tempore (Mrs. JONES of Ohio). The question is on the motion offered by the gentleman from New Jersey (Mr. PAYNE) that the House suspend the rules and agree to the resolution, H. Res. 947.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. PAYNE. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

## EXTENDING PARITY IN APPLICATION OF CERTAIN LIMITS TO MENTAL HEALTH BENEFITS

Mr. PALLONE. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 4848) to extend for one year parity in the application of certain limits to mental health benefits, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4848

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

**SECTION 1. PARITY IN APPLICATION OF CERTAIN LIMITS TO MENTAL HEALTH BENEFITS.**

(a) AMENDMENT TO THE INTERNAL REVENUE CODE OF 1986.—Section 9812(f)(3) of the Internal Revenue Code of 1986 is amended by striking "2007" and inserting "2008".

(b) AMENDMENT TO THE EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.—Section 712(f) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1185a(f)) is amended by striking "2007" and inserting "2008".

(c) AMENDMENT TO THE PUBLIC HEALTH SERVICE ACT.—Section 2705(f) of the Public

Health Service Act (42 U.S.C. 300gg–5(f)) is amended by striking ''2007'' and inserting ''2008''.

**SEC. 2. INCLUSION OF MEDICARE PROVIDERS AND SUPPLIERS IN FEDERAL PAYMENT LEVY AND ADMINISTRATIVE OFFSET PROGRAM.**

(a) IN GENERAL.—Section 1874 of the Social Security Act (42 U.S.C. 1395kk) is amended by adding at the end the following new subsection:

''(d) INCLUSION OF MEDICARE PROVIDER AND SUPPLIER PAYMENTS IN FEDERAL PAYMENT LEVY PROGRAM.—

''(1) IN GENERAL.—The Centers for Medicare & Medicaid Services shall take all necessary steps to participate in the Federal Payment Levy Program under section 6331(h) of the Internal Revenue Code of 1986 as soon as possible and shall ensure that—

''(A) at least 50 percent of all payments under parts A and B are processed through such program beginning within 1 year after the date of the enactment of this section;

''(B) at least 75 percent of all payments under parts A and B are processed through such program beginning within 2 years after such date; and

''(C) all payments under parts A and B are processed through such program beginning not later than September 30, 2011.

''(2) ASSISTANCE.—The Financial Management Service and the Internal Revenue Service shall provide assistance to the Centers for Medicare & Medicaid Services to ensure that all payments described in paragraph (1) are included in the Federal Payment Levy Program by the deadlines specified in that subsection.''.

(b) APPLICATION OF ADMINISTRATIVE OFFSET PROVISIONS TO MEDICARE PROVIDER OR SUPPLIER PAYMENTS.—Section 3716 of title 31, United States Code, is amended—

(1) by inserting ''the Department of Health and Human Services,'' after ''United States Postal Service,'' in subsection (c)(1)(A); and

(2) by adding at the end of subsection (c)(3) the following new subparagraph:

''(D) This section shall apply to payments made after the date which is 90 days after the enactment of this subparagraph (or such earlier date as designated by the Secretary of Health and Human Services) with respect to claims or debts, and to amounts payable, under title XVIII of the Social Security Act.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

**SEC. 3. DEPOSIT OF EXCESS SAVINGS IN PAQI FUND.**

(a) IN GENERAL.—In addition to any amounts otherwise made available to the Physician Assistance and Quality Initiative Fund under section 1848(l)(2) of the Social Security Act (42 U.S.C. 1395w–4(l)(2)), there shall be made available to such Fund—

(1) $93,000,000 for expenditures during or after 2009;

(2) $212,000,000 for expenditures during or after 2014; and

(3) $44,000,000 for expenditures during or after 2018.

(b) OBLIGATION.—The Secretary of Health and Human Services shall provide for expenditures from the Fund specified in subsection (a) in a manner designed to provide (to the maximum extent feasible) for the obligation of the entire amount specified in—

(1) subsection (a)(1) for payment with respect to physicians' services furnished during or after January 1, 2009;

(2) subsection (a)(2) for payment with respect to physicians' services furnished on or after January 1, 2014; and

(3) subsection (a)(3) for payment with respect to physicians' services furnished on or after January 1, 2018.

**SEC. 4. PROTECTION OF SOCIAL SECURITY.**

To ensure that the assets of the trust funds established under section 201 of the Social Security Act (42 U.S.C. 401) are not reduced as a result of the enactment of this Act, the Secretary of the Treasury shall transfer from the general revenues of the Federal Government to those trust funds the following amounts:

(1) For fiscal year 2008, $1,000,000.

(2) For fiscal year 2009, $5,000,000.

(3) For fiscal year 2010, $1,000,000.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. PALLONE) and the gentleman from Pennsylvania (Mr. TIM MURPHY) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey.

GENERAL LEAVE

Mr. PALLONE. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. PALLONE. Madam Speaker, I yield myself such time as I may consume.

I rise to urge support for this bill which was developed jointly by the Energy and Commerce Committee, the Ways and Means Committee, and the Education and Labor Committee. This bill would extend the Mental Health Parity Act of 1996, the first-ever Federal parity law.

Over 10 years ago, Congress passed and President Clinton signed into law legislation that required partial parity by mandating that annual and lifetime dollar limits for mental health treatment under group health plans offering mental health coverage be no less than that for physical illnesses. This legislation was authorized for 5 years, and has been extended every year with bipartisan support since its initial authorization expired. The bill before us would extend the Mental Health Parity Act for another year. I urge my colleagues on both sides of the aisle to support its passage.

Madam Speaker, let me also say that while the 1996 law was a good first step, we clearly have much further to go before we can achieve full mental health parity. That is why it is imperative that we pass H.R. 1424, the Paul Wellstone Mental Health Parity and Addiction Equity Act of 2007, introduced by my colleagues Representative PATRICK KENNEDY and Representative JIM RAMSTAD. I want to congratulate and thank both of them. Mr. KENNEDY will be speaking shortly in favor of his legislation.

In spite of the 1996 law and widespread recognition that mental illness and substance abuse are treatable illnesses, there still exist glaring inequities between health insurance coverage for mental health and that for other medical conditions. As we all know, these inequities can have dire consequences for friends, families and society in general. H.R. 1424 will take our Nation one step further to ensuring that every American can access the mental health, substance abuse and addiction treatment that they need to live healthy, happy and productive lives.

Madam Speaker, by putting mental health on par with medical and surgical benefits, we will be improving the availability and affordability of health care for those who suffer from mental health illnesses and addiction diseases. This will not only reduce the pain and anguish of many of our constituents and their families, but will benefit our Nation as a whole. So let's extend the good work that has already been done and work together to build upon the framework so that we can improve the lives of millions of Americans.

I reserve the balance of my time, Madam Speaker.

Mr. TIM MURPHY of Pennsylvania. Madam Speaker, I yield myself as much time as I may consume.

We're gathered here today to debate or support H.R. 4848, a bill which extends that which Congress has passed before, and that was an important bill for its time. It's an important bill to extend for, in doing so, we acknowledge the innate value of helping those suffering from mental illness. We acknowledge in Congress that for those who suffer these afflictions, they may be relieved of that suffering through receiving necessary treatment.

In compassion, we as a body extend our hand in support of those who suffer the pains of mental illness. We acknowledge that their illnesses are real, and that the appropriate treatments give them hope to slough off the yoke of their illness and again become a fully productive member of our Nation, our workplace and our family.

The significance of this act may be overshadowed by other events of the day, but it is essential that we not fail to appreciate the value of this moment, not only in terms of what this bill does but what it does not do and, moreover, why we need to enact this law at all.

First to the reasons for this bill. As John Adams said, ''Our Constitution was made only for a moral and religious people. It is wholly inadequate to the government of any other.''

He made that comment not because our Constitution is a vehicle to support any particular religion; rather, he noted the inherent inadequacies of any body of laws, and that they cannot replace the moral light that should guide us when no law has yet been writ to define that path.

Indeed, we cannot legislate common sense, we cannot mandate morality, and we cannot litigate compassion. We can, however, establish laws to define the limits of what can be tolerated. And where the laws do not apply, we hope that the goodness and faith that guides our hearts is sufficient to drive us to do the right thing.

Unfortunately, when it comes to dealing with mental illness, our society, our culture and our government has failed to do the right thing. We have spent billions, hundreds of billions, I dare say, over the years to help those with mental illness, but we have remained short-sighted at best, or blind at worst as to what we truly must do.

It is my wish that people would be personally guided by their own sense of justice and compassion to do the right thing in the treatment of mental illness. Instead, we remain willfully and woefully ignorant to the causes, the diagnoses, and the treatment of mental illness. We have denied its very existence, perhaps wasting our hope in the hope it would go away. We have instead tried to wish away its effects. We have minimized the impact, trivialized the causes, and criticized the patients. We have used words to make mental illness the butt of cruel jokes. We have used words like ''crazy'' or ''retarded'' or ''idiot,'' as if attaching a derogatory label would free us from the responsibility for helping or treating those with these illnesses.

I ask you: Would we use such disparaging remarks to describe persons with cancer, with diabetes, with heart disease? Could demeaning words make any of those diseases disappear or less painful? Can derisive words motivate someone to seek help? No, instead they drive the person further into the shadows to deny their own illness, to avoid treatment and not even help themselves.

In many ways, we have not advanced very far beyond the days of the Salem witch trials when those with mental illness were ignorantly tried as criminals, sentenced to death, or cruelly treated with torture.

Think this is not true today? Well, think again. Our prisons are filled with persons who suffer from mental illness. Our courts are packed with victims of child abuse or sex abuse. Our churches are filled with those who are praying to be relieved of the terrible strains befalling them. Families break up. Jobs are lost. Children fail in school and lives are lost from untreated mental illness. And yet we continue to deny it is there and place barriers between the patient and the cure.

In my many years of practicing psychology, I have never, never met a patient who was cured by denial. But denial is the common treatment for so many when it comes to acknowledging or treating mental illness.

Listen, you cannot whisper it away, for even in the silence, even in the darkness, mental illness cries out for help.

One in five Americans will suffer from a diagnosable mental illness. One in 10 young people suffer from mental illness severe enough to cause some form of impairment.

Untreated drug and alcohol addictions cost Americans $400 billion each year. A Rand study estimated that depression alone cost employers $51 billion per year in absenteeism and lost productivity.

Suicide is the eighth leading cause of death in the United States. More years of life are lost to suicide than any other single cause except heart disease and cancer.

Thirty thousand Americans commit suicide annually, and half a million attempt it. Among college students, three die each day from suicide.

The Federal Government estimates that about 12½ million people have alcohol problems. It costs businesses $134 billion a year in lost productivity.

Does treatment work to help people with mental illness? Yes, it does. Studies of depression in the workplace have shown thousands of dollars of savings per employee when they receive treatment.

We note that when 80 percent of health care costs are used to treat chronic illness, that the risk for depression doubles among those who are chronically ill and not receiving treatment. The cost doubles as well.

The combination of appropriate medication and treatments have been very effective in treating anxiety, depression, bipolar illness and behavior disorders. But when health plans do not pay for appropriate professional care, where does the treatment come from?

Seventy-five percent of psychiatric medications are prescribed by non-psychiatrists. Now look at that in the context of other illnesses. Would we tolerate it if 75 percent of insurance plans said that most babies would be delivered by people with minimal training? How about requiring that brain surgery is done by those who only had a few weeks of training in medical school. Would we accept that? We would not.

This bill extends what we have done before. It helps in a small but important way. But it does not move us to where we need to be. Perhaps the lesson here is that there are many things we need to do for ourselves, many things we need to do to reach out to others and help. But it does not cure the barriers. It does not identify which diagnoses need to be treated. We will need to do more. Eventually we as a Nation need to come to terms with what needs to be done. The cost savings of providing the right treatment are huge. The costs of continuing to provide the wrong care, or denying care, are massive.

As Benjamin Franklin said, ''By failing to prepare, you are preparing to fail.''

Madam Speaker, I reserve the balance of my time.

Mr. PALLONE. Madam Speaker, I yield 3 minutes to the gentleman from Rhode Island (Mr. KENNEDY), who has probably done more to address the issue of mental health parity than any Member of Congress. He actually came to my district, we had a hearing on the issue, and I really appreciate all that he has done on the issue.

Mr. KENNEDY. I thank Chairman PALLONE for his work in bringing the extension of this mental health parity law to the floor. I want to acknowledge his help on H.R. 1424, the Paul Wellstone Mental Health and Addiction Act, and say I join him in saying today is a great start in us extending this law on lifetime and annual limits. But, as he mentioned, we want to get full parity, which means we want to get the real bill that extends full coverage of mental illnesses to all health insurance plans. Just as we would expect health insurance plans to cover the rest of our body, cancer, diabetes, everything else, we shouldn't expect any less for mental illnesses.

And yet, unlike many other physical illnesses, mental illnesses are excluded from most health insurance plans. In fact, 98 percent of our health insurance plans in America charge higher copays and deductibles for mental illnesses simply because of stigma, simply because of discrimination.

□ 1630

Because of the shame and because Americans are too afraid to say that they are willing to say enough is enough, and they're not willing to say that's wrong, and they're not going to sit idly by while insurance companies say that they can get away with it, we in the Congress ought to stand up and say, enough is enough. We are going to pass the law that says civil rights matter in this country, and if you are born with a mental illness, just as if you were born with any kind of physical disability, you should not be discriminated against. And that is what we mean when we say we want to pass the Paul Wellstone Mental Health and Addiction Equity Act. We can't afford any more days without this law.

As my good friend said over here, each year 1.3 billion workdays are lost due to mental disorders, more than any other, arthritis, stroke, heart attack, or cancer combined.

We cannot afford one more day without parity because the Department of Justice estimates that drug-related crime costs our Nation $107 billion a year. We cannot afford one more day without parity because 80 percent of the trauma-related admissions in our emergency rooms in this country are drug- and alcohol-related, implicated in car accidents, shootings, stabbings, and domestic and violent incidences, as well as overdoses.

We cannot afford one more day without parity because workers' untreated depression cost their employers $31 billion a year in lost productivity and cost their employers $135 billion in lost productivity just due to alcoholism alone.

I will tell you this: We are paying for this in so many other ways, we cannot afford not to spend the money on treatment up front.

But the fact of the matter is, insurance companies continue to deny treatment. Just take one case of Katie

Kevlock, a 16-year-old from Pennsylvania. The insurance company said to her, It is not enough that you came in here hooked on heroin. We need to see you overdose before we are going to give you treatment coverage.

Guess what her mother said? Well, I'm not sure my daughter's got an overdose in her before I can bring her back for her treatment.

Well, guess what? She, of course, overdosed, and she didn't survive that overdose. But that's what that insurance company demanded. They demanded that she have an overdose before she qualified for treatment, but she didn't survive that overdose. She died like millions of other Americans, and that is the cost of us not providing treatment.

Treatment works. Recovery works. We need to end the stigma of mental illness and addiction in our society. That's why we need to pass H.R. 1424, the Paul Wellstone Mental Health and Addiction Equity Act; and that's why we need to extend the bill today to provide one more year of annual lifetime limits for the current parity law.

Mr. TIM MURPHY of Pennsylvania. Madam Speaker, I appreciate the compassion and passion of my friend from Rhode Island who has been such a leader in mental health parity.

I yield such time as he may consume to the gentleman from New Jersey (Mr. FERGUSON), another great leader whose heart goes out to those in need of mental health issues.

Mr. FERGUSON. Madam Speaker, I want to thank the gentleman from Pennsylvania for the time. I want to thank Chairman PALLONE for his work on this legislation as well.

I rise today in support of H.R. 4848. This important legislation will extend the current mental health parity laws to individuals that desperately need coverage and care.

Madam Speaker, I dare say every single one of us in this Chamber, and probably everyone we know, knows someone, cares about someone, perhaps a member of our very own family, who has faced the challenge of mental illness and who could benefit from additional mental health coverage.

Thousands and thousands of people suffer from mental health illnesses and addictions in our country. My family is no different from any other family who maybe has a loved one or a member of that family who has dealt with these very significant and difficult problems. This legislation would continue bringing much-needed treatment to those who are in such need.

Addictions and mental illnesses are afflictions that have long been stigmatized and brushed aside by our society and our institutions. Not only is this societal perception deterring many individuals from seeking and receiving much-needed treatment, but also the lack of insurance coverage for such treatments prevents many individuals from gaining access to the critical help and the treatments that they need.

Many individuals go months or maybe even years without treatment for serious illnesses due to the stigma that our society has placed on these serious diseases. They feel like they must hide their illness from their friends or their family while trying to lead a normal life.

However, these illnesses and the individuals who suffer from them deserve care and treatment just as if they were suffering from some other illness or disease. The victims of mental illness should no longer have to suffer in silence and in secret.

For too long, people have been told they must take care of themselves while battling these diseases and illnesses. Those battling their debilitating effects haven't been able to receive the stability of care that's available when adequate health insurance coverage is in place.

The legislation we are considering today takes steps in the right direction by continuing the current mental health parity laws. However, current laws are not perfect, and they need to be amended to improve the health care of mental addictions and illnesses in our country.

I have been a proud cosponsor of the mental health parity efforts in the past, and I will continue to be an ardent supporter of these efforts to have full mental health parity in America. I support legislation that was already mentioned, the Paul Wellstone Mental Health and Addiction Equity Act, which is legislation that would make full mental health parity the law of the land. This legislation is needed, and it should have been passed long ago.

This legislation has been championed by my good friend PATRICK KENNEDY, the Member from Rhode Island, who we just heard from. He's been such a leader on this effort, and he and JIM RAMSTAD of Minnesota, from our side of the aisle, have really worked so hard and so diligently on this legislation. I really believe that through their work, and the work of many of us, we will help to deliver what people battling addiction and mental illness have long needed and want; that is, the help that they need.

We have to continue to ensure that every individual has access to the health care coverage that they need. Every single individual that's affected by these sicknesses should not be without mental health coverage in our country.

I urge my colleagues to support H.R. 4848 to continue to provide mental health coverage to the thousands of individuals who are so desperately in need of that help.

Mr. PALLONE. Madam Speaker, I yield 3 minutes to the gentleman from Maryland (Mr. SARBANES).

Mr. SARBANES. Madam Speaker, I want to thank my colleague Representative PALLONE on his work on H.R. 4848 which is important for us to support because it does extend certain mental health coverages. But as we've all been saying here today, it is just as important that we continue to work very hard to enact and pass H.R. 1424, which is the Paul Wellstone Mental Health and Addiction Equity Act, and I want to salute Representatives RAMSTAD and KENNEDY for their tremendous work on this bill.

Mental health parity is the right thing to do. Clearly, there are so many individuals and families that are in pain in this country because they are not receiving the mental health counseling services, the substance abuse and addiction treatment services that they deserve and that our society ought to provide to them.

But it is also the smart thing to do. All of the statistics, even if you just wanted to look at this through the cold, calculating lens of what the bottom line represents in terms of cost to our system and our society, all of the studies that have been done show that there are tremendous savings to be had if we focus on these kinds of service.

There have been many statistics that have been cited today. I will cite a few more. Depressed workers lose 5½ hours per week of productive work time. That adds up to tens of billions of dollars lost a year to employers. Alcohol-related illness and premature death cost over $130 billion in lost productivity in 1998, and the statistics go on and on and on.

Even the most tightfisted insurer will discover very quickly once we have mental health parity in place that the costs are a lot and that, in fact, there are savings to be had as you reallocate dollars to mental health treatment and substance abuse treatment in terms of the savings in related medical treatment.

So it is absolutely the right thing to do, and particularly at this time when we have so many stories of returning veterans who are suffering from traumatic brain injury, from mental health issues and need the support that can come from this, from this larger bill, from the Paul Wellstone Act.

So I urge my colleagues to support this extension through H.R. 4848 of certain mental health coverages, but I join all those who are advocating very strongly that we move forward and enact the larger bill, the Paul Wellstone Mental Health and Addiction Equity Act of 2007.

Mr. TIM MURPHY of Pennsylvania. Madam Speaker, I am just inquiring how much time we have remaining.

The SPEAKER pro tempore. The gentleman from Pennsylvania has 9½ minutes, and the gentleman from New Jersey has 10½ minutes.

Mr. TIM MURPHY of Pennsylvania. Madam Speaker, I yield myself as much time as I may consume.

Madam Speaker, one of the important points that we need to recognize as we address these issues of mental health and mental illness today are the causes. For so often, as I described earlier, when people are thinking about or talking about mental illness, we oftentimes do not understand that it really

is a problem of brain functioning. It's written off too often as the worried well of people complaining or malingering, when really we need to understand the following.

When we're talking about problems with heart disease, it's easy to look upon those problems, to look at X-rays and other tests and MRIs and see if the function of the heart is appropriate, if the valves are working, if the arteries and veins are blocked or free.

When we look at other illnesses throughout the body, there are so many tests which we have grown accustomed to, MRIs, CT scans, EKGs, et cetera. And we look at those things and we're able to see that something is wrong based upon the results of those tests.

One of the problems with mental illness, leading to the prejudices about mental illness, is that there are no tests like that. One cannot take an X-ray of the brain and say that the person has depression or anxiety disorder or bipolar illness. There have been multiple studies looking at patterns that may show up on some tests. But my point is this: Just because we cannot see it on a medical test like that does not mean it does not exist.

Back in the 1800s, Louis Pasteur described the microbes that finally led us to understand about germs and diseases. Before that, no one had any tests to look at that. It did not mean they didn't exist. That merely meant that we did not know that they were there. But it was a full century later before we found that one could treat diseases with antibiotics, and we're still learning more about it.

So, too, it is important we understand that so often when discussing these issues of mental illness treatment, people raise the question that you cannot really test for it. Now, those are areas that science and research are still needed to determine what we can do, but it does not mean they don't exist just because we cannot find those.

Instead, what we rely on is the comments made by persons themselves or watching the behavior of persons because, indeed, those are the indicators that tell us something is wrong with the function of the human brain. It is a neurological problem. It is a neurobehavioral exhibition of those problems. It is those problems that we have to understand that sometimes are treated with medication and sometimes are treated with counseling and sometimes both, but we have to make sure we understand that we cannot write these off with treatments just by ignoring them or just saying that someone else without treatment because an insurance plan will cover that is enough.

□ 1645

Many times cardiologists will tell us that they recognize when they give someone a diagnosis that it's terminal or severe, that many of those patients will themselves exhibit symptoms of depression, so they automatically write a prescription for an antidepressant drug. That's not enough.

The comments I made before about how, when a person has a chronic illness, their health care costs can double if they have untreated depression, that alone should wake us up to understand that we need to be treating mental illness, not ignoring it. That alone should wake up employers to understand that improved productivity and lowered health care costs should be enough to motivate us to do that. That alone should be information that the Congressional Budget Office, who scores these bills, should tell us that there are scores that are important in terms of savings. Unfortunately, they don't tell us scores for prevention. And so it goes on.

These are things we need to be continuing to do, and that's why we will continue to support this bill.

Madam Speaker, I reserve the balance of my time.

Mr. PALLONE. Madam Speaker, I yield 3 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Madam Speaker, allow me to thank the distinguished gentleman from New Jersey for his kindness and his leadership, and to add my appreciation as well for Congressman KENNEDY for the years that he has worked on this issue. And I join them in raising our voices.

I remember the leadership that came from another Member from New Jersey, and Congressman PALLONE has now embraced this issue in his capacity and leadership on the Energy and Commerce Committee. And my classmate, Congressman KENNEDY, has been pressing this message along with Congressman RAMSTAD for a very long time, that we have the capacity and the empathy and sympathy to address the question of mental health parity, but we have not yet had the energy and the results-oriented efforts that it needs.

I pay tribute, of course, to the late Senator Paul Wellstone, who came to my district some years ago through my invitation as cochair of the Congressional Children's Caucus and visited our juvenile detention centers and emphasized that many of the juveniles that were then incarcerated also needed greater access to mental health facilities and mental health services.

Mental health parity and the extension thereof of the annual lifetime limits is crucial to save lives. How many of us have seen on the news or addressed our constituents where seniors, parents are calling the police for their adult children who are suffering from mental health needs? Tragically, some of those encounters end in death. There is no need for that.

In addition, we will be seeing, as the war in Iraq ends and Afghanistan's war and conflict ends, numbers of individuals coming back who have been diagnosed with post-traumatic stress, and we will say that's the Veterans Affairs' concern, or brain trauma. Yes, in the realm of the framework of their return, it may be; but they will live, and through their lifetime may have encounters that need to have the coverage of a mental health parity bill.

I support H.R. 4848 and thank Congressman PALLONE for the insight to move forward on this extension. But I pray tell that we will find it in our determination to move forward on the Paul Wellstone parity bill that is being carried by Congressman KENNEDY and a number of others. I have supported this legislation for a number of years, so I rise enthusiastically for H.R. 4848.

And, if I might, having missed the discussion on H. Con. Res 283, the bill dealing with Kenya, I simply want to add my statement into the RECORD, but call out for the compliance with this legislation, as it is passed, that we have sanctions for those who will not come to the peace table, that we compliment Kenya for its democracy, but, as well, that we push them toward a settlement of this vicious incident, having killed 900 people.

I end my comments by asking for enthusiastic support for H.R. 4848.

Mr. TIM MURPHY of Pennsylvania. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, many important things have been said by several Members, and passionately, on this bill. What we also have to remember, as we wrap this up, is somewhere in America there are people who are suffering in silence, there are children who are facing abuse, angry spouses who are attacking one another, anxious mothers struggling to care for their children, and, of course, throughout the workplace, as has been so carefully documented here, so many problems. It is important that we not only pass this bill strongly but also continue to work together.

I commend my colleague, Chairman PALLONE, and the work that he does and to continue the work that he does in leading this. Myself and many Members from our side of the aisle continue to stand ready to make sure we work out any issues with regard to expanding issues of mental health parity. We know that all of us care deeply about those in need and all of us remain committed to helping those in need from our side of the aisle.

Mr. DINGELL. Madam Speaker, today we are voting to extend for 1 year, through 2008, the 1996 Mental Health Parity Act. This act bars the use of arbitrary annual and lifetime caps on mental health services if they are not also used on other medical benefits. We need to extend this first good step taken by Congress more than a decade ago, but there is still work to be done to reach true parity in the treatment of mental illnesses and substance abuse disorders.

When the Mental Health Parity Act of 1996 passed Congress, it provided only partial parity for mental illness and excluded addiction benefits from the equitable treatment other mental health services received under the bill. Left untouched were other important and potentially costly parts of an insurance policy

such as limits on inpatient days and outpatient visits and other out-of-pocket expenses such as copays, coinsurance, and deductibles. These limits result in denying millions of Americans needed treatment and/or incurring huge out-of-pocket costs.

The U.S. Government Accountability Office found in a May 2000 report that 87 percent of employers complying with the act merely substituted other restrictive limits on things already mentioned for the annual and lifetime limits prohibited under the 1996 act.

Today we must not only extend the Mental Health Parity Act of 1996 but also continue to work on building this act to achieve true parity by passing H.R. 1424, the Paul Wellstone Mental Health and Addiction Equity Act of 2007. The legisiation has been favorably approved by all three committees of jurisdiction in the House.

Mental illness and alcohol and drug addiction are painful and private struggles with staggering public costs, not to mention the toll these conditions take on families and communities. Representatives KENNEDY and RAMSTAD have been faithful champions of the Mental Health Parity Act of 1996 and speak courageously of their own triumphs.

I urge my colleagues to vote to extend the authorization of the current protections already in place and to continue to work for more comprehensive parity.

Mr. GENE GREEN of Texas. Madam Speaker, I rise today in support of H.R. 4848. This legislation is an extension of the Mental Health Parity Act of 1996.

This bill requires that annual and lifetime dollar limits for mental health treatment under group health plans offering mental health coverage be no less than that for physical illnesses.

Mental disorders are the leading cause of disability in the U.S. for individuals between the ages of 15–44. In fact, 54 million Americans currently suffer from mental illness.

Unfortunately, the stigma of mental illness prevents millions of Americans from receiving the health care they need. Arbitrary limits on insurance benefits also serve as a significant barrier to many Americans seeking help.

The original Mental Health Parity Act of 1996 was an important first step toward mental health parity and mandated that annual and lifetime limits in mental health coverage be equal to those applied to medical and surgical benefits.

While I support this bill, I strongly believe that we must pass H.R. 1424, the Paul Wellstone Mental Health Parity and Addiction Equity Act of 2007.

The scientific community has long told us that mental illness and substance abuse are biologically-based, and the Surgeon General recognized that fact in the 1999 Surgeon General's report.

The sad reality, however, is that the health insurance market still does not provide true parity to mental health and substance abuse coverage.

Individuals who struggle with mental illness or substance abuse have no guarantee they'll get the treatment they need—even if they have health insurance.

Mental illness and substance abuse are serious issues for many Americans who too often do not receive the appropriate treatment. Twenty-six million Americans struggle with substance abuse addictions.

I hope that we will recognize the struggles that individuals with substance abuse addictions face in seeking treatment.

I strongly support H.R. 4848 and hope that we will build on this piece of legislation by considering H.R. 1424, the Paul Wellstone Mental Health Parity and Addiction Equity Act of 2007 sometime this session.

Mr. CONYERS. Madam Speaker, I rise to voice my support for H.R. 4848, the extension of the Mental Health Parity Act of 1996 (MHPA). This legislation would extend MHPA for 1 year, maintaining the current provisions for parity in the application of certain limits to mental health benefits.

For group plans that choose to offer mental health benefits, the MHPA requires those plans to provide benefits for mental health treatment subject to the same annual and lifetime dollar limits as their coverage of physical illnesses. Unfortunately, insurance plans may still limit the amount and type of mental health treatment covered. For example, an insurance company can cap the number of times a patient may visit the doctor's office, not only annually, but over the course of a lifetime.

''Partial parity'' is an oxymoron. Rather than rely on stop-gap measures and patch-work fixes, the need for true mental health insurance parity must be recognized and acted upon. I strongly encourage my fellow members to quickly pass H.R. 1424, the Paul Wellstone Mental Health and Addiction Equity Act of 2007, which puts mental health coverage on an equal footing with medical and surgical coverage.

The inequity of coverage with regard to mental health and substance abuse treatment benefits is tantamount to discrimination against the mentally ill. It is built upon the insurance companies' strategy of denying rather than providing care in order to maximize profits. The notion that an insurance company can limit medical care based on cost is immoral. Only medical professionals should dictate the amount and type of care a patient receives. H.R. 676, the United States National Health Insurance Act, would provide health care coverage for all, including coverage of mental health and substance abuse treatment.

Madam Speaker, it is our duty to end this intolerable discrimination against the mentally ill, and provide timely, appropriate, and adequate health care for all, free of the loopholes, pitfalls, and entanglements which exist under the current fragmented, non-system of care.

Mr. TIM MURPHY of Pennsylvania. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. PALLONE) that the House suspend the rules and pass the bill, H.R. 4848, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. BROUN of Georgia. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

## MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Sherman, one of his secretaries.

## DO-NOT-CALL REGISTRY FEE EXTENSION ACT OF 2007

Mr. BUTTERFIELD. Madam Speaker, I move to suspend the rules and pass the Senate bill (S. 781) to extend the authority of the Federal Trade Commission to collect Do-Not-Call Registry fees to fiscal years after fiscal year 2007.

The Clerk read the title of the Senate bill.

The text of the Senate bill is as follows:

S. 781

*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 ''Do-Not-Call Registry Fee Extension Act of 2007''.

**SEC. 2. FEES FOR ACCESS TO REGISTRY.**

Section 2, of the Do-Not-Call Implementation Act (15 U.S.C. 6101 note) is amended to read as follows:

**''SEC. 2. TELEMARKETING SALES RULE; DO-NOT-CALL REGISTRY FEES.**

''(a) IN GENERAL.—The Federal Trade Commission shall assess and collect an annual fee pursuant to this section in order to implement and enforce the 'do-not-call' registry as provided for in section 310.4(b)(1)(iii) of title 16, Code of Federal Regulations, or any other regulation issued by the Commission under section 3 of the Telemarketing and Consumer Fraud and Abuse Prevention Act (15 U.S.C. 6102).

''(b) ANNUAL FEES.—

''(1) IN GENERAL.—The Commission shall charge each person who accesses the 'do-not-call' registry an annual fee that is equal to the lesser of—

''(A) $54 for each area code of data accessed from the registry; or

''(B) $14,850 for access to every area code of data contained in the registry.

''(2) EXCEPTION.—The Commission shall not charge a fee to any person—

''(A) for accessing the first 5 area codes of data; or

''(B) for accessing area codes of data in the registry if the person is permitted to access, but is not required to access, the 'do-not-call' registry under section 310 of title 16, Code of Federal Regulations, section 64.1200 of title 47, Code of Federal Regulations, or any other Federal regulation or law.

''(3) DURATION OF ACCESS.—

''(A) IN GENERAL.—The Commission shall allow each person who pays the annual fee described in paragraph (1), each person excepted under paragraph (2) from paying the annual fee, and each person excepted from paying an annual fee under section 310.4(b)(1)(iii)(B) of title 16, Code of Federal Regulations, to access the area codes of data in the 'do-not-call' registry for which the person has paid during that person's annual period.

''(B) ANNUAL PERIOD.—In this paragraph, the term 'annual period' means the 12-month period beginning on the first day of the month in which a person pays the fee described in paragraph (1).

''(c) ADDITIONAL FEES.—

''(1) IN GENERAL.—The Commission shall charge a person required to pay an annual

fee under subsection (b) an additional fee for each additional area code of data the person wishes to access during that person's annual period.

''(2) RATES.—For each additional area code of data to be accessed during the person's annual period, the Commission shall charge—

''(A) $54 for access to such data if access to the area code of data is first requested during the first 6 months of the person's annual period; or

''(B) $27 for access to such data if access to the area code of data is first requested after the first 6 months of the person's annual period.

''(d) ADJUSTMENT OF FEES.—

''(1) IN GENERAL.—

''(A) FISCAL YEAR 2009.—The dollar amount described in subsection (b) or (c) is the amount to be charged for fiscal year 2009.

''(B) FISCAL YEARS AFTER 2009.—For each fiscal year beginning after fiscal year 2009, each dollar amount in subsection (b)(1) and (c)(2) shall be increased by an amount equal to—

''(i) the dollar amount in paragraph (b)(1) or (c)(2), whichever is applicable, multiplied by

''(ii) the percentage (if any) by which the CPI for the most recently ended 12-month period ending on June 30 exceeds the baseline CPI.

''(2) ROUNDING.—Any increase under subparagraph (B) shall be rounded to the nearest dollar.

''(3) CHANGES LESS THAN 1 PERCENT.—The Commission shall not adjust the fees under this section if the change in the CPI is less than 1 percent.

''(4) PUBLICATION.—Not later than September 1 of each year the Commission shall publish in the Federal Register the adjustments to the applicable fees, if any, made under this subsection.

''(5) DEFINITIONS.—In this subsection:

''(A) CPI.—The term 'CPI' means the average of the monthly consumer price index (for all urban consumers published by the Department of Labor).

''(B) BASELINE CPI.—The term 'baseline CPI' means the CPI for the 12-month period ending June 30, 2008.

''(e) PROHIBITION AGAINST FEE SHARING.—No person may enter into or participate in an arrangement (as such term is used in section 310.8(c) of the Commission's regulations (16 C.F.R. 310.8(c))) to share any fee required by subsection (b) or (c), including any arrangement to divide the costs to access the registry among various clients of a telemarketer or service provider.

''(f) HANDLING OF FEES.—

''(1) IN GENERAL.—The commission shall deposit and credit as offsetting collections any fee collected under this section in the account 'Federal Trade Commission—Salaries and Expenses', and such sums shall remain available until expended.

''(2) LIMITATION.—No amount shall be collected as a fee under this section for any fiscal year except to the extent provided in advance by appropriations Acts.''.

**SEC. 3. REPORT.**

Section 4 of the Do-Not-Call Implementation Act (15 U.S.C. 6101 note) is amended to read as follows:

**''SEC. 4. REPORTING REQUIREMENTS.**

''(a) BIENNIAL REPORTS.—Not later than December 31, 2009, and biennially thereafter, the Federal Trade Commission, in consultation with the Federal Communications Commission, shall transmit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Energy and Commerce that includes—

''(1) the number of consumers who have placed their telephone numbers on the registry;

''(2) the number of persons paying fees for access to the registry and the amount of such fees;

''(3) the impact on the 'do-not-call' registry of—

''(A) the 5-year reregistration requirement;

''(B) new telecommunications technology; and

''(C) number portability and abandoned telephone numbers; and

''(4) the impact of the established business relationship exception on businesses and consumers.

''(b) ADDITIONAL REPORT.—Not later than December 31, 2009, the Federal Trade Commission, in consultation with the Federal Communications Commission, shall transmit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Energy and Commerce that includes—

''(1) the effectiveness of do-not-call outreach and enforcement efforts with regard to senior citizens and immigrant communities;

''(2) the impact of the exceptions to the do-not-call registry on businesses and consumers, including an analysis of the effectiveness of the registry and consumer perceptions of the registry's effectiveness; and

''(3) the impact of abandoned calls made by predictive dialing devices on do-not-call enforcment.''.

**SEC. 4. RULEMAKING.**

The Federal Trade Commission may issue rules, in accordance with section 553 of title 5, United States Code, as necessary and appropriate to carry out the amendments to the Do-Not-Call Implementation Act (15 U.S.C. 6101 note) made by this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from North Carolina (Mr. BUTTERFIELD) and the gentleman from Florida (Mr. STEARNS) each will control 20 minutes.

The Chair recognizes the gentleman from North Carolina.

GENERAL LEAVE

Mr. BUTTERFIELD. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. BUTTERFIELD. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, the bill we are considering on the House floor today, which is Senate 781, the Do-Not-Call Registry Fee Extension Act, is identical to H.R. 2601, which was introduced by my friend Mr. STEARNS, the former ranking member of the Subcommittee on Commerce, Trade and Consumer Protection.

On December 11 of last year, the House passed H.R. 2601 by voice vote, and I urge similar swift passage of S. 781 today.

Madam Speaker, this bill extends the authority of the Federal Trade Commission to collect the fees that administer and enforce the provisions relating to the national do-not-call registry. In 2003, Congress passed the Do-Not-Call Implementation Act, which authorized the FTC to establish fees sufficient to implement the national do-not-call registry as originally authorized by the Telemarketing and Consumer Fraud and Abuse Prevention Act of 1994. As has been said on numerous occasions, this initiative has proven to be one of the most popular laws in history. Consumers have registered more than 145 million telephone numbers since the registry became operational in 2003. The FTC's authority to annually establish the appropriate level of fees to charge telemarketers for access to the registry expired several months ago, in 2007, and S. 781 restores that authority and renders it permanent. I will restate what I said back in December when we considered this legislation on the House floor. As Members of Congress, it is in our best interest to swiftly pass this bill in order to avoid the wrath of millions of angry constituents who are being called by telemarketers during dinner time. We need to facilitate the continuing operation of the do-not-call registry and vote for this bill.

As a result of an agreement reached with the chairman of the Senate Commerce Committee, we are sending to the President's desk for his signature the Senate-passed version of the bill introduced by Senator PRYOR. However, Senator PRYOR's bill is identical to Mr. STEARNS' bill, and my friend from Florida deserves all the credit for this fine piece of legislation. As is the case with the vast majority of bills passed out of the Subcommittee on Commerce, Trade, and Consumer Protection, of which I serve, this is a bipartisan measure that was crafted in consultation with the appropriate agency of expertise, in this case, the Federal Trade Commission. The original House bill passed the subcommittee by voice vote on October 23, and a week later on October 30 was unanimously approved in the full Energy and Commerce Committee. Majority and minority committee staff worked together on this bill. I am so proud of how they worked together. Mr. STEARNS, as well as the ranking member, Mr. BARTON of Texas, who is the ranking member of the full committee, should both be commended for their cooperation with Chairman JOHN DINGELL and Chairman BOBBY RUSH. I also would like to congratulate and welcome the distinguished gentleman from Kentucky (Mr. WHITFIELD) as the new ranking member of the subcommittee on which we serve. I am positive that the track record of bipartisan cooperation will continue under Mr. WHITFIELD's leadership. Unfortunately, it is my understanding that Mr. WHITFIELD, I looked forward to seeing him on the floor today, but he is currently in Kentucky dealing with the frightening devastation wrought by last night's tornadoes. Our thoughts and prayers go out to him and his constituents and all those who were adversely affected by this tragedy, not only in that State but in other States as well.

With that, Madam Speaker, I urge a ''yes'' vote.

At this time, I reserve the balance of my time.

Mr. STEARNS. Madam Speaker, I yield myself such time as I may consume.

Let me thank, first of all, the discerning, clairvoyant, highly observant and eloquent statements from the gentleman from North Carolina for his kindness in recognizing that it is, indeed, my bill. I appreciate his very eloquent statement.

Mr. WHITFIELD was supposed to be here, but, of course, with the tornadoes, he cannot be here. He flew back to Kentucky to take care of his constituents, so he is to be commended for that.

But I rise today also in support of this bill, which is my bill which came through my subcommittee, the Do-Not-Call Registry Fee Extension Act of 2007. The Senate bill is 781.

As pointed out, this bill is identical to H.R. 2601 which I introduced and which passed this Chamber by voice vote under suspension of the rules on December 11, last year. As the sponsor of the companion legislation to the Senate bill and as the former ranking member of the committee with jurisdiction over consumer protection, I assured all my colleagues that this legislation is necessary and, of course, very timely. The gentleman from North Carolina mentioned that it is one of the most popular bills we have passed in Congress, and indeed it is.

I can also assure each of you that it will have an immediate and meaningful impact on our constituents, much more so than many of the bills that we've passed this year.

The Congress originally passed the Do-Not-Call Act in 2003 in response to the growing concern about the persistent invasion of unsolicited telemarketing calls to consumers' homes. Now, at that point I was chairman of the Commerce, Trade, and Consumer Protection Subcommittee, and I took great pride that our committee came together with JAN SCHAKOWSKY, who was the ranking member, to put together the do-not-call registry. She is to be commended today, too, for her support and her enabling of this legislation.

The idea was very simple: Consumers could place their home phone numbers on a list, and telemarketers would then be prohibited from making unsolicited phone solicitation. In order to avail themselves of the tranquility afforded then by the registry, consumers simply call a toll-free number from the telephone line they wish to register, or they could add their number via the Internet. Telemarketers then access the registry at the Federal Trade Commission to obtain a list of registered numbers over the Internet and then remove their numbers from their call list. Pretty simple. These telemarketers then pay a simple fee for such access. It is those fees that fund the registry, including the maintenance and, ultimately, the enforcement of the violators of this legislation.

□ 1700

The program has been a huge success, as the gentleman from North Carolina has pointed out, with one recent polling finding there is over 150 million active telephone numbers on the registry. My colleagues, that's roughly 70 percent of Americans who avail themselves of the registry benefit. That poll also found over 90 percent of those registered with the do-not-call list do indeed receive fewer unsolicited telemarketing calls.

The Federal Trade Commission must also be commended for its part in making the registry a success. Without vigorous enforcement, a prohibition would be meaningless. Consumers who receive unwanted telemarketing calls log complaints via either a toll-free telephone number or the Internet. As a result, the commission has pursued 35 cases for violations of this do-not-call provision in the bill and has collected $25 million combined in civil penalties and equitable relief.

Unfortunately, the commission's authority to collect the fees necessary to maintain the registry expired last September. This legislation restores the commission's authority to collect the necessary fees to maintain and simply update the registry in a timely manner. Further, this act provides businesses with certainty into the future regarding the fees they pay to access the registry.

So, my colleagues, while this bill sets specific access fees, it also ensures Congress will receive the information necessary to assess in the future whether those fees are simply sufficient and appropriate. The Senate bill requires the Federal Trade Commission and the SEC to submit two reports to Congress biennially. One report shall include information regarding basic registry statistics such as the number of consumers registered, number of persons paying for access, and the impact of new telecommunications technology on the registry. The second report addresses consumer reports of abuse of registry exceptions, including the recent reports of ''lead generators,'' unsolicited mailers, and we've all gotten those unsolicited mailers through the mail, used to establish a business relationship. Then once that business relationship is established, they can come back and call you or otherwise they trick you into answering these little lead generators. And most frequently the people who do answer them are seniors, who are very conscientious, and then that, in fact, involves waiving their do-not-call protections. As time passes and people think of new ways to circumvent these protections, we will want to ensure we have the necessary information to keep pace with these folks that are trying to trick our constituents, thereby protecting their original intent of the do-not-call registry.

In conclusion, Madam Speaker, many of our constituents still express their gratitude for enacting the original Do-Not-Call Act, simply enabling them to make their home hours more peaceful without irritating telemarketing interruptions, especially around suppertime. The popularity and success of the do-not-call registry is without question. It is successful and it is one area in which this Congress has acted in a bipartisan fashion, almost unanimously on the House floor with approval. So I urge all my colleagues' support.

Madam Speaker, I reserve the balance of my time.

Mr. BUTTERFIELD. I want to thank the gentleman for his comments.

Madam Speaker, I have no further requests for time, and I reserve the balance of my time.

Mr. STEARNS. Madam Speaker, I yield such time as he may consume to the gentleman from Texas (Mr. BURGESS).

Mr. BURGESS. I thank the gentleman for yielding, and I thank both the chairman and the ranking member for bringing this bill to the floor.

Madam Speaker, as pointed out, this has been one of the most popular pieces of legislation that we could pass certainly during my short tenure in Congress. And, Madam Speaker, I would only point out that with a 10 percent approval rating, it is incumbent upon us to continue to pass legislation that is indeed popular.

I am an original cosponsor of the Do-Not-Call Registry Fee Extension Act, and as has been pointed out, this bill will extend the Federal Trade Commission's authority to collect fees and to administer and force the do-not-call registry. This registry is popular. This registry's effect has been profound.

Since the creation of this registry, as we heard testimony in our committee as we worked on the bill earlier this year, over 145 million telephone numbers have been registered. And as we heard from Ranking Member STEARNS a little while ago, that number is now up to 150 million telephone numbers.

As the Director of the Federal Trade Commission, Linda Parnes, eloquently stated in her testimony before the Energy and Commerce Committee last October, the do-not-call registry ''helps to restore the sanctity of the American dinner hour.''

While I firmly believe in a free market and I believe that businesses should be able to and should be responsible for formulating their own business plans and business practices, I also believe that Americans have a right to privacy. People should be able to have the option of whether or not they want to receive telephone calls from telemarketers in the privacy of their homes. Thanks to the do-not-call registry, Americans can sign up and they are afforded this decision and this discretion.

To keep the registry working in the future, it is imperative that we act

swiftly and pass this important legislation to further extend the protection of privacy for all Americans. As Commissioner Parnes pointed out, let's help restore the sanctity of the American dinner hour once and for all.

Mr. STEARNS. Madam Speaker, I yield back the balance of my time.

Mr. BUTTERFIELD. Madam Speaker, I am going to urge my colleagues to vote ''aye'' on this measure, and let's send it on to the President's desk.

Mr. DINGELL. Madam Speaker, I rise in strong support of S. 781, the "Do-Not-Call Registry Fee Extension Act," and I urge its swift adoption by the House.

This bill is identical to H.R. 2601, which the House passed on December 11, 2007, to extend the authority of the Federal Trade Commission to collect fees to administer and enforce the provisions of law relating to the ever-popular national Do-Not-Call registry. The registry was established by Congress to enable citizens to place their personal phone numbers on a list that prohibits unwanted commercial solicitations over that number. By any measure, this program has been wildly successful—more than 145 million telephone numbers have been placed on the list, pesky phone calls from telemarketers have declined, and the FTC's enforcement has been vigorous—but the agency's ability to collect fees to fund this operation expired after September 2007. Therefore, we need to act.

By agreement with the Chairman of the Senate Committee on Commerce, we are sending the later Senate-passed bill to the President. At this time, I want to commend Representative STEARNS, the sponsor of the House-passed bill and then Ranking Subcommittee Member, for his leadership on this important consumer protection issue. I also commend Representative RUSH, a cosponsor of the House bill and Chairman of the Subcommittee on Commerce, Trade, and Consumer Protection, for expeditiously bringing that bill, of which I am the lead Democratic sponsor, to the House floor last year. We would not be here today without their efforts.

I would note to the House that, as part of the agreement, the Senate today will take up and pass H.R. 3541, legislation also passed by the House on December 11, 2007, to eliminate the automatic removal of telephone numbers from the registry, thus clearing the bill for the President's signature. Current rules provide that telephone numbers be removed from the list after 5 years, thus requiring consumers to reregister their numbers in order to fend off telemarketing calls. Most consumers are unaware of this requirement. This places a particular burden on the elderly, the group most often victimized by telemarketing frauds. The House-passed bill contains common sense exceptions as well as requirements to ensure the accuracy of the list. I thank the Federal Trade Commission and the Direct Marketing Association for their improvements to the bill, and I commend Representatives DOYLE and PICKERING for their strong bipartisan leadership on this legislation.

This strong package of bipartisan consumer protection bills will serve the American public well, and will stand as a testament to what bipartisanship and good will across the Capitol can accomplish.

Mr. BUTTERFIELD. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina (Mr. BUTTERFIELD) that the House suspend the rules and pass the Senate bill, S. 781.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

## CONTINUATION OF THE NATIONAL EMERGENCY RELATING TO CUBA AND OF THE EMERGENCY AUTHORITY RELATING TO THE REGULATION OF THE ANCHORAGE AND MOVEMENT OF VESSELS—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 110–93)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Foreign Affairs and ordered to be printed:

*To the Congress of the United States:*

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice to the *Federal Register* for publication, which states that the national emergency declared with respect to the Government of Cuba's destruction of two unarmed U.S.-registered civilian aircraft in international airspace north of Cuba on February 24, 1996, as amended and expanded on February 26, 2004, is to continue in effect beyond March 1, 2008.

GEORGE W. BUSH.

THE WHITE HOUSE, *February 6, 2008*.

## RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 6:30 p.m. today.

Accordingly (at 5 o'clock and 7 minutes p.m.), the House stood in recess until approximately 6:30 p.m. today.

□ 1830

## AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Ms. JACKSON-LEE of Texas) at 6 o'clock and 30 minutes p.m.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

H. Res. 867, by the yeas and nays;

H. Res. 942, by the yeas and nays;

H. Res. 943, by the yeas and nays.

Postponed votes on H. Con. Res. 283, H. Res. 947, and H.R. 4848 will be taken tomorrow.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

## COMMENDING THE HOUSTON DYNAMO SOCCER TEAM FOR WINNING THE 2007 MAJOR LEAGUE SOCCER CUP

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 867, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Hampshire (Mr. HODES) that the House suspend the rules and agree to the resolution, H. Res. 867.

The vote was taken by electronic device, and there were—yeas 373, nays 0, not voting 56, as follows:

[Roll No. 29]

YEAS—373

Abercrombie
Ackerman
Aderholt
Akin
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Becerra
Berkley
Berman
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (KY)
Davis, David
Davis, Lincoln
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Fattah
Feeney
Ferguson
Flake
Forbes
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Green, Al
Green, Gene
Gutierrez
Hall (NY)
Hall (TX)
Hastings (FL)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill

Hinchey
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Loebsack
Lofgren, Zoe
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Perlmutter
Peterson (MN)
Peterson (PA)
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Putnam
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Roskam
Rothman
Roybal-Allard
Royce
Ryan (OH)
Salazar
Sali
Sánchez, Linda T.
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Snyder
Solis
Souder
Space
Spratt
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Westmoreland
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Wu
Yarmuth
Young (AK)

NOT VOTING—56

Alexander
Baldwin
Bean
Berry
Blackburn
Blumenauer
Boucher
Campbell (CA)
Cannon
Conaway
Cubin
Davis (IL)
Davis, Tom
Doolittle
Farr
Filner
Fortenberry
Gallegly
Gingrey
Graves
Grijalva
Hare
Harman
Hastings (WA)
Hinojosa
Hooley
Hulshof
Jefferson
Kuhl (NY)
Lantos
Lipinski
Lowey
Manzullo
McMorris Rodgers
Moore (WI)
Pence
Petri
Pryce (OH)
Radanovich
Rohrabacher
Ross
Ruppersberger
Rush
Ryan (WI)
Sanchez, Loretta
Smith (WA)
Stark
Tanner
Terry
Weldon (FL)
Weller
Wexler
Whitfield (KY)
Woolsey
Wynn
Young (FL)

□ 1854

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. FILNER. Madam Speaker, on rollcall No. 29, I was away from the Capitol attending a function in my capacity as Chairman of the House Veterans' Affairs Committee. Had I been present, I would have voted "yea."

## RECOGNIZING THE SIGNIFICANCE OF BLACK HISTORY MONTH

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 942, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Hampshire (Mr. HODES) that the House suspend the rules and agree to the resolution, H. Res. 942.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 367, nays 0, not voting 62, as follows:

[Roll No. 30]

YEAS—367

Abercrombie
Ackerman
Aderholt
Akin
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Becerra
Berkley
Berman
Biggert
Bilbray
Bilirakis
Bishop (NY)
Bishop (UT)
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Fattah
Feeney
Ferguson
Flake
Forbes
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Green, Al
Green, Gene
Gutierrez
Hall (NY)
Hall (TX)
Hastings (FL)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Loebsack
Lofgren, Zoe
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Perlmutter
Peterson (MN)
Peterson (PA)
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Putnam
Rahall
Ramstad
Regula
Rehberg
Reichert
Renzi
Reyes
Richardson
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Roskam
Rothman
Roybal-Allard
Royce
Ryan (OH)
Salazar
Sali
Sánchez, Linda T.
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Snyder
Solis
Souder
Space
Spratt
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Westmoreland
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Wu
Yarmuth
Young (AK)

NOT VOTING—62

Alexander
Baldwin
Bean
Berry
Bishop (GA)
Blackburn
Blumenauer
Boucher
Campbell (CA)
Cannon
Conaway
Cubin
Davis, Tom
Doolittle
Farr
Filner
Fortenberry
Gallegly
Gingrey
Graves
Grijalva
Hare
Harman
Hastings (WA)
Hinojosa
Hooley
Hulshof
Jefferson
Kuhl (NY)
Lantos
Lipinski
Lowey
Manzullo
McMorris Rodgers
Moore (KS)
Moore (WI)
Murtha
Pence
Petri
Pryce (OH)
Radanovich
Rangel
Reynolds
Rodriguez
Rohrabacher
Ross
Ruppersberger
Rush
Ryan (WI)
Sanchez, Loretta
Scott (GA)
Smith (WA)
Stark
Tanner
Terry
Weldon (FL)
Weller
Wexler
Whitfield (KY)
Woolsey
Wynn
Young (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes left in this vote.

□ 1902

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. FILNER. Madam Speaker, on rollcall No. 30, I was away from the Capitol attending a function in my capacity as Chairman of the House Veterans' Affairs Committee. Had I been present, I would have voted "yea."

## REMEMBERING THE SPACE SHUTTLE ''CHALLENGER'' DISASTER AND HONORING ITS CREW MEMBERS

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 943, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Louisiana (Mr. MELANCON) that the House suspend the rules and agree to the resolution, H. Res. 943.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 371, nays 0, not voting 58, as follows:

[Roll No. 31]

YEAS—371

Abercrombie
Ackerman
Aderholt
Akin
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Becerra
Berkley
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Fattah
Feeney
Ferguson
Flake
Forbes
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Green, Al
Green, Gene
Gutierrez
Hall (NY)
Hall (TX)
Hastings (FL)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson (IL)
Johnson, E.B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Loebsack
Lofgren, Zoe
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Perlmutter
Peterson (MN)
Peterson (PA)
Pickering
Pitts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Putnam
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Roskam
Rothman
Roybal-Allard
Royce
Ryan (OH)
Salazar
Sali
Sánchez, Linda T.
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Snyder
Solis
Souder
Space
Spratt
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Westmoreland
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Wu
Yarmuth
Young (AK)

NOT VOTING—58

Alexander
Baldwin
Bean
Berman
Berry
Blackburn
Blumenauer
Boucher
Campbell (CA)
Cannon
Conaway
Conyers
Cubin
Davis, Tom
Doolittle
Farr
Filner
Fortenberry
Gallegly
Gingrey
Graves
Grijalva
Hare
Harman
Hastings (WA)
Hinojosa
Hulshof
Jefferson
Kuhl (NY)
Lantos
Lipinski
Lowey
Manzullo
McMorris Rodgers
Moore (WI)
Murtha
Pence
Petri
Platts
Pryce (OH)
Radanovich
Rohrabacher
Ross
Ruppersberger
Rush
Ryan (WI)
Sanchez, Loretta
Smith (WA)
Stark
Tanner
Terry
Weldon (FL)
Weller
Wexler
Whitfield (KY)
Woolsey
Wynn
Young (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there is 1 minute remaining in this vote.

□ 1910

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. FILNER. Madam Speaker, on rollcall No. 31, I was away from the Capitol attending a function in my capacity as Chairman of the House Veterans' Affairs Committee. Had I been present, I would have voted "yea."

## PERSONAL EXPLANATION

Mr. GINGREY. Madam Speaker, on rollcall No. 29 on H. Res. 867, Commending the Houston Dynamo soccer team for winning the 2007 Major League Soccer Cup, I am not recorded, as I was absent due to my attendance at a funeral. Had I been present, I would have voted "yea."

Madam Speaker, on rollcall No. 30 on H. Res. 942, Recognizing the significance of Black History Month, I am not recorded, as I was absent due to my attendance at a funeral. Had I been present, I would have voted "yea."

Madam Speaker, on rollcall No. 31 on H. Res. 943, Remembering the space shuttle *Challenger* disaster and honoring its crew members, who lost their lives on January 28, 1986, I am not recorded, as I was absent due to my attendance at a funeral. Had I been present, I would have voted "yea."

□ 1915

## SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

## SILENT GENOCIDE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arizona (Mr. FRANKS) is recognized for 5 minutes.

Mr. FRANKS of Arizona. Madam Speaker, it is February 6, 2008, in the land of the free and the home of the brave. And before the sun set today in America, almost 4,000 more defenseless unborn children were killed by abortion on demand. That is just today. That is more than the number of innocent American lives lost on September 11, only it happens, Madam Speaker, every day in America.

It has now been exactly 12,798 days since the judicial fiat called Roe v.

Wade was handed down. Since then, the very foundation of this Nation has been stained by the blood of almost 50 million of our own unborn children. And all of them, Madam Speaker, had at least four things in common: they were just little babies who had done nothing wrong to anyone; each one of them died a nameless and a lonely death; each of the mothers, whether she realizes it immediately or not, will never be the same; and all the gifts that these children might have brought to humanity are now lost forever.

Yet even in the full glare of such tragedy, this generation clings to blindness and invincible ignorance while history repeats itself, and our own silent genocide mercilessly annihilates the most helpless of all victims to date, those yet unborn.

Madam Speaker, perhaps it is important for those of us in this Chamber to remind ourselves again of why we are really all here. Thomas Jefferson said, ''The care of innocent human life and its happiness and not its destruction is the chief and only object of good government.'' Madam Speaker, protecting the lives of our innocent citizens and their constitutional rights is why we are all here. It is our sworn oath. The phrase in the 14th amendment capsulizes our entire Constitution. It says, ''No State shall deprive any person of life, liberty or property without due process of law.'' The bedrock foundation of this Republic is the declaration, not the casual notion, but the declaration of the self-evident truth that all human beings are created equal and endowed by their Creator with certain inalienable rights, the right of life, liberty and the pursuit of happiness.

Every conflict or battle our Nation has ever faced can be traced to our commitment to this core self-evident truth. It has made us the beacon of hope for the entire world. It is who we are. And yet another day has passed, Madam Speaker, and we in this body have failed again to honor that commitment. We have failed our sworn oath and our God-given responsibility as we broke faith with nearly 4,000 more unborn children who died without the protection that we should have given them.

Perhaps tonight, Madam Speaker, maybe someone new who hears this sunset memorial will finally realize that abortion really does kill a baby, that it hurts mothers in ways that we can never express, and that 12,798 days spent killing nearly 58 million children in America is enough. Perhaps we will realize that the next time we meet that America is great enough to find a better way than abortion on demand.

And so tonight, Madam Speaker, may each of us remind ourselves that our own days in the sunshine of life are numbered and that all too soon each of us will walk from these Chambers for the very last time, and if it should be that this Congress is allowed to continue on yet another day to come, may that day be the one when we hear the cries of the unborn at last. May that be the day that we find the humanity, the courage and the will to embrace together our human and our constitutional duty to protect the least of these, our tiny American brothers and sisters, from this murderous scourge in our Nation called abortion on demand.

Madam Speaker, it is February 6, 2008, 12,798 days since Roe v. Wade in the land of the free and the home of the brave.

---

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

(Ms. WOOLSEY addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

---

## HONORING FORMER FIRE CHIEF ED HANZEL

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. SUTTON) is recognized for 5 minutes.

Ms. SUTTON. Madam Speaker, I rise today with a deep sense of appreciation to pay tribute to former fire chief, Ed Hanzel, who passed away on December 31, 2007 while serving as a combat firefighter in Iraq.

Ed, who devoted over 32 years of his life to his community as a firefighter, embarked on two separate tours in Iraq following his retirement in 2002. Retirement did not suit Ed, who felt he could make a positive contribution in Iraq while continuing to provide for his family.

And although Denise, his wife of 36 years, worried for his safety, Ed was determined to protect our brave soldiers by utilizing his professional firefighting skills on military bases as a combat firefighter. One morning, at the onset of his second tour, Ed informed a coworker he wasn't feeling well and went to rest. Later that day, Ed Hanzel passed away.

Ed was a strong man. He had beaten cancer a few years ago. His death in Iraq surprised his family and friends who knew him for his easygoing nature, his sense of humor, and his ability to light up a room with his bright eyes and genuine smile. After his passing, countless firefighters, emergency medical personnel and other safety forces from 11 neighboring departments joined together to honor Ed's memory. With fire truck ladders extended to form an arch, an American flag was flown at the peak, symbolizing Ed's devotion to his country.

A medical helicopter flew low over the crowd, and a fire truck adorned with a black wreath sounded a traditional last call, concluding a ceremony to celebrate a former fire chief, a humble fire chief, who often appeared embarrassed when called ''Chief.''

The respect and admiration Ed earned as a firefighter, a paramedic and a SWAT medic could not have been more visible as his peers joined together around an empty pair of boots and a firefighter's helmet to honor their fallen colleague.

We will always remember Ed for his ever-present smile, his commitment to his community, his sense of humor, and his dedication to his family. On behalf of the people of Ohio's 13th District, I want to express my deepest sympathies to his wife, Denise, and son, Brian. We have lost a great man, and they have lost a great husband and father who gave all in service to others and our country.

We grieve Ed's passing, but we celebrate his life and service and we take solace in knowing we are better people for having known him.

---

## HONORING CORPS' ROLE IN ALLOWING FAMILY OF FALLEN MARINE TO ADOPT SON'S K–9 PARTNER, LEX

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

Mr. JONES of North Carolina. Madam Speaker, on December 21, 2007, I had the privilege and honor to visit Marine Corps Base Albany, Georgia to witness firsthand the compassion of the United States Marine Corps.

I am extremely grateful to the United States Air Force for making it possible for me to take part in a visit that was so special, I can hardly describe it in words. On that day, the Jerome Lee family of Quitman, Mississippi, was able to adopt their son's canine partner, Lex, who was released from his duty as a military working dog.

Jerome and Rachel Lee's son, Corporal Dustin Jerome Lee, was a United States Marine Corps dog handler who was killed in action on March 21, 2007, in Fallujah, Iraq. Corporal Lee and his canine partner Lex, a 7-year-old German shepherd, were a highly trained explosive detection team. Lex, who was due for retirement after his combat tour in Iraq, suffered shrapnel wounds from the same enemy-fired rocket-propelled grenade that took Corporal Lee's life.

Following Corporal Lee's death, the Lee family began seeking to adopt their son's canine companion who was with their son during his last moments on Earth. However, after filing the necessary paperwork, the Lee family was told that Lex had been medically evaluated and, although injured, he was fit for duty and not yet eligible for adoption.

After learning their story, I spoke with Corporal Lee's father, Jerome Lee, by phone on several occasions. Mr. Lee continued to express the joy and comfort that caring for Lex would bring to him and his family, and he requested my assistance in securing their adoption of Lex.

I am so grateful to the United States Marine Corps and Commandant James

Conway for helping me ensure that the Lee family's request was granted. I am also very grateful to Brigadier General Michael Regner and Major General Robert Dickerson for their role in enabling this adoption to proceed. I know that Dustin is in heaven, and happy that his family now has Lex. Allowing the Lee family to adopt Lex was a fitting thank you to parents who gave the ultimate gift of their son for this country.

The United States Marine Corps has demonstrated its tremendous compassion and understanding by making this adoption a reality for the parents of one of our Nation's fallen heroes. Again I extend my deep condolences to Mr. and Mrs. Lee, as well as all those in this country who have lost a loved one fighting in Iraq or Afghanistan.

Although Lex will never replace their son, welcoming Lex into the Lee family and home will keep a big part of Corporal Lee's life alive for their family. Lex loved and protected Corporal Lee on the battlefield, and Corporal Lee's family is now able to love and protect Lex in the peaceful surroundings of their home in Mississippi.

May God bless the United States Marine Corps and all of our men and women in uniform, and may God continue to bless America.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

(Mr. POE addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

(Mr. DEFAZIO addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

□ 1930

## EDWARD W. BROOKE III, UNITED STATES SENATOR, RETIRED

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from the District of Columbia (Ms. NORTON) is recognized for 5 minutes.

Ms. NORTON. Madam Speaker, I come to the floor for a special purpose this evening, a purpose that I think every Member of this House would want to join in during Black History Month. It is a rare bipartisan opportunity to honor a man whom I think Democrats and Republicans alike are equally proud of. He is a lifelong Republican, and yet, I, a lifelong Democrat, have come to ask Members to sign on to H.R. 1000, a bill to honor the first African American popularly elected to serve in the Senate of the United States. You heard me. He was not a Democrat, he was a Republican, and his name is Edward W. Brooke III, United States Senator from Massachusetts, 1967 to 1979.

I come during Black History Month because I think it would be a wonderful opportunity for the House on both sides of the aisle to do something together that both wanted to do, instead of simply talking about Black History Month in the abstract, doing something for a former Member of the United States Congress who indeed was African American. His service was of such quality that the President of the United States, several years ago, already awarded former Senator Brooke the highest national medal that our government can offer, the Presidential Medal of Freedom. But the highest medal we can offer is the Congressional Gold Medal. The Senate, where Senator Brooke served, has already unanimously passed this resolution. This is a special time, I think, that the House would want to follow suit.

I want to note, Madam Speaker, just how broad range was the support in the Senate. When you have Senator HARRY REID and MITCH MCCONNELL on the same bill to honor this former Senator, I think it says it all. When you have Senators ranging from Senator EDWARD KENNEDY to Senator TED STEVENS, I think that is the very definition of a bipartisan bill, and they were among the cosponsors.

Why did they do this? Why has Senator Brooke already gotten the highest medal that the President of the United States can offer? It is because of his distinguished career in the Senate; it is because he did a breakthrough at the time that breakthroughs were not even done; and it is because of his service in other ways.

He received the Bronze Star, the Distinguished Service Award, and the Grand Cross of the Order of Merit from the Italian Government for his leadership during 195 days in combat in Italy as a captain in World War II in the segregated 366th Combat Infantry Regiment. That, Madam Speaker, is the very definition of a patriot.

I, of course, know about Senator Brooke. This is perhaps somewhat personal to me, because he was born and raised in the District of Columbia. Mind you, his greatest service did not occur in this city as a native Washingtonian, but only in this city after he was elected to the Senate.

He was born and raised in segregated Washington, DC. The city was as segregated as any southern city then, including its public schools, the very public school from which I graduated as well, Dunbar High School. He was educated at Howard University and then went to Howard Law School, and hadn't left the District of Columbia until he went to serve in the Armed Forces of the United States.

Then somehow he realized there were greener pastures than his own hometown, and he went to Massachusetts to set up the practice of law and got the idea in his head that in a State with almost no African Americans, with almost no Democrats, he could get to be, first, the first black Attorney General in the United States, and then the first Senator elected by popular vote to the United States Senate.

We all know that it is very difficult for an African American or a person of any minority to be elected statewide. When this happened in the mid-sixties, I think we stand in awe of what kind of man it must have taken to have effected this change then.

So I ask Members if they will, before this month is over, and there are other Members trying to help me do so, join most of the Members of the House who have already signed on to H.R. 1000 to award the Congressional Gold Medal.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

(Mr. BURTON of Indiana addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

## TIME TO WAKE UP ON THE BUDGET

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

Ms. KAPTUR. Madam Speaker, this week, ExxonMobil reported it beat its own record for the highest annual profits ever recorded by any company with its net income rising to $40.6 billion in 2007, the highest record profits of any company in American history. Those profits are due to the surging oil and gasoline prices that we are all paying. Meanwhile, here in Washington, the establishment sits around the table in anticipation of the President's budget proposal. Lobbyists, advocates, lawmakers, and agency heads wait in anticipation.

This year it seems that the President has outdone himself by pushing up our national debt to $9.2 trillion, nearly $10 trillion. When President Bush took office, gasoline cost $1.45 a gallon. When he took office, gasoline cost $1.45 and we were showing surpluses after the discipline we had exacted here during the 1990s, surpluses in our budget of $5.6 trillion. Now gasoline regularly rises above $3 a gallon and the annual budget is in the red, his latest budget as submitted by over $407 billion, and you know it is going to rise to over half a trillion dollars with the war costs.

What a story. While the Nation goes deeper into the red with higher gas prices and bigger deficits, oil companies are making out like bandits. Compare a $407 billion budget deficit for our country with $40.6 billion in exorbitant profits taken in by ExxonMobil in 2007. ExxonMobil posted the largest profit in U.S. history, sucking those dollars from our people.

While we are considering a stimulus package to jump-start our economy, imagine how solving our tremendous energy crisis could help every single American. We are talking about sending pennies to some Americans in this so-called stimulus package, while these giants are running off with billions and billions and billions of dollars. Where is the courage of this Congress to balance these accounts and to make sure that those who need help in our country actually get it?

If you add up the President's budget request for the Army Corps of Engineers, the Small Business Administration, the Department of Labor, the National Science Foundation, the Department of Commerce, and the entire Environmental Protection Agency, it costs $2 billion less to run them all than ExxonMobil made in 2007. Think about that.

Let's think about what it means for our Nation's priorities. It is more important for ExxonMobil to make billions than it is for us to conduct scientific research or to clean up the environment or to extend unemployment benefits or to help businesses in this economy, small businesses try to survive, to fix up our levees and our bridges and our roads?

Think about the millions of Americans we could help who are facing a meltdown in the housing market and losing their most important form of savings. Think about the nearly 200,000 homeless veterans living on the streets of our country. What an embarrassment. Think about the 33.5 million Americans that are food insecure and regularly go to bed hungry as our food pantries run dry.

It is often said that a budget is the real show of a nation's values. When President Bush complains about how America is addicted to oil in his State of the Union but then fails to move our Nation to energy independence, we sure know where his values fall. When our society allows our oil barons to make off with billions, skimmed away from the American people, we know where those loyalties lie.

With oil prices continuing to rise, the high price of gasoline continues to fuel our trade deficits. With oil prices as high as $98 a barrel last year, the monthly trade deficit from oil rose to a level rarely seen, $24 billion just in November of 2007.

We all know that this FY 2009 proposed Bush budget is an empty shell from a lame duck President, but somehow we had expected more. Congress should reject the President's proposed budget and rewrite it in a way that protects the American consumer, invests in energy independence, and provides a real stimulus for the American economy at a time when the American people are crying for it.

Millions and millions of Americans are losing their homes, their most important form of savings. When is this Congress and when is this President going to wake up?

Madam Speaker, I include the following for the RECORD.

[From the Blade, Feb. 2, 2008]

SURGING PRICES PUMP UP OIL GIANT'S RECORD $40.6B PROFIT

NEW YORK.—ExxonMobil reported yesterday that it beat its own record for the highest annual profits ever recorded by any company with net income rising to $40.6 billion in 2007 thanks to surging oil prices.

The company's sales last year, more than $404 billion, exceeded the gross domestic product of 120 countries.

ExxonMobil made more than $1,287 of profit for every second of 2007.

The company also had its most profitable quarter ever. It said net income rose 14 percent, to $11.7 billion, or $2.13 a share, in the last three months of the year.

Like most oil companies, Exxon benefited from a near doubling of oil prices, as well as higher demand for gasoline last year. Crude oil prices rose from a low of around $50 a barrel in early 2007 to almost $100 by the end of the year—the biggest jump in oil prices in any one year.

''Exxon sets the gold standard for the industry,'' said Fadel Gheit, an oil analyst at Oppenheimer & Co. in New York.

Oil companies all have reported strong profits in recent days.

Chevron, the second-largest American oil company, said yesterday that its profits rose 9 percent last year, to $18.7 billion.

The backlash against the oil industry, which periodically has intensified as gasoline prices have risen in recent years, was swift.

One advocacy group, the Foundation for Taxpayer and Consumer Rights, called the profits ''unjustifiable.''

Some politicians said Congress should rescind the tax breaks awarded two years ago to encourage oil companies to increase their investments in the United States and raise domestic production.

''Congratulations to ExxonMobil and Chevron—for reminding Americans why they cringe every time they pull into a gas station,'' Sen. Charles Schumer said (D., N.Y.).

Exxon defended itself against claims that it was responsible for the rise in oil prices.

Anticipating a backlash, Exxon has been running advertisements that highlight the size of the investments it makes to find and develop energy resources—more than $80 billion between 2002 and 2006, with an additional $20 billion planned for 2008. The company says that in the next two decades, energy demand is expected to grow by 40 percent.

''Our earnings reflect the size of our business,'' said Kenneth Cohen, Exxon's vice president for public affairs. ''We hope people will focus on the reality of the challenge we are facing.''

Given the darkening prospects for the American economy, some analysts said oil company profits soon might reach a peak. Oil prices could fall this year if an economic slowdown reduces energy consumption in the United States, the world's biggest oil consumer.

Such concerns have pushed oil futures prices down about 10 percent since the beginning of the year. Oil fell 3 percent, to $88.96 a barrel, yesterday on the New York Mercantile Exchange.

Exxon shares fell a half-percent, to $85.95.

Some analysts said high oil prices, and the record profits they create, were masking growing difficulties at many of the major Western oil giants.

Faced with resurgent national oil companies—like PetroChina, Petrobras in Brazil, or Gazprom in Russia—the Western companies are having a hard time increasing production and renewing reserves.

As oil prices increase, countries like Russia and Venezuela have tightened the screws on foreign investors in recent years, limiting access to energy resources or demanding a bigger share of the oil revenues.

At the same time, many of the traditional production regions, like the North Sea and Alaska, are slowly drying up.

Western majors, which once dominated the global energy business, now control only about 6 percent of the world's oil reserves. Last year, PetroChina overtook Exxon as the world's largest publicly traded oil company.

Excluding acquisitions, Exxon was the only major international oil company with a reserve replacement rate exceeding 100 percent between 2004 and 2006, meaning it found more than one barrel for each barrel it produced, according to a report by Moody's Investors Service, the rating agency.

In a related development, the OPEC cartel, which met in Austria yesterday, left its production levels unchanged, resisting pressure from developing nations to pump more oil into the global economy.

The Organization of Petroleum Exporting Countries is set to meet again next month. The cartel signaled it would be ready to cut production to make up for a seasonal slowdown in demand in the second quarter.

OPEC's actions mean the cartel is determined to keep prices from falling below $80 a barrel, according to energy experts.

The U.S. response to OPEC's decision was measured.

''I think everyone is fully aware that having a reliable and steady and predictable supply of oil is a benefit to the global economy,'' White House spokesman Tony Fratto said. ''We hope that they understand that their decisions on oil production have a real impact on the economy.''

## REPORT ON RESOLUTION WAIVING REQUIREMENT OF CLAUSE 6(a) OF RULE XIII WITH RESPECT TO CONSIDERATION OF CERTAIN RESOLUTIONS

Ms. SUTTON, from the Committee on Rules, submitted a privileged report (Rept. No. 110–552) on the resolution (H. Res. 955) waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules, which was referred to the House Calendar and ordered to be printed.

## REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 4137, COLLEGE OPPORTUNITY AND AFFORDABILITY ACT OF 2007

Ms. SUTTON, from the Committee on Rules, submitted a privileged report (Rept. No. 110–523) on the resolution (H. Res. 956) providing for consideration of the bill (H.R. 4137) to amend and extend the Higher Education Act of 1965, and for other purposes, which was referred to the House Calendar and ordered to be printed.

## PAYING THE PRICE FOR THE PRESIDENT'S FLAWED PRIORITIES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. BISHOP) is recognized for 5 minutes.

Mr. BISHOP of New York. Madam Speaker, at least President Bush is consistent. Like the other seven budgets that he has submitted to this Congress, it is no surprise that his eighth and final request continues to reflect spectacularly flawed priorities. There was some debate earlier this week about whether the budget should be printed and distributed to congressional offices. Perhaps the best decision would have been to spare us the books and save the trees.

For the eighth year in a row, the administration has degraded the budget process. This budget barely goes through the motions. Instead of formulating a blueprint to guide this Nation toward what should be our fiscal priorities, the budget continues the flawed policies of the past 7 years.

Without putting forth an honest or straightforward budget, the President has yet to attempt seriously to meet our goals, goals that we should all share of budgetary accountability, enforcement, and fiscal responsibility. This is why so many of our colleagues, Madam Speaker, have already accurately described the President's budget request has a pro forma document with little meaning or relevance, that has also been described as arriving on Capitol Hill ''dead on arrival,'' and that is perhaps a very, very good thing. Perhaps the lack of truth in budgeting represents the best example of why ''change'' has become the overriding theme of this coming election.

This Congress should refuse to be misled again by a budget that hides the true costs of the devastating fiscal policies of this administration. For example, omitting total war costs gives an artificially deflated notion of what the deficit will be, and we now have the Secretary of Defense estimating that the true cost of the war in fiscal 2009 will be $170 billion, as opposed to the $70 billion that is put in the budget as a placeholder. That number alone will drive the deficit up to over half a trillion dollars. The President's budget also omits the cost of extending the tax cuts, the 2001 and 2003 tax cuts, which disproportionately favor those who need those tax cuts the least.

Let me just cite two very troubling aspects of a budget that is shot through with scores of troubling aspects. The first is one that is of particular importance to my home State of New York. We have been fighting, those of us in New York, and this fight has been led primarily by CAROLYN MALONEY and also VITO FOSSELLA and JERRY NADLER, to see to it that the brave Americans who responded to the site of the World Trade Center, first to try to rescue people, then to recover bodies and then to clean up what came to be known as ''the pile,'' some 70 percent of them are suffering from various health ailments relating to the toxins that they were exposed to in the days immediately following those attacks on the Twin Towers.

In the current year, the Congress committed to spend $150 million to provide for the ongoing health care needs and monitoring of those very brave first responders and rescue workers. The President's budget cuts that number to $25 million.

My question for the President is: Have all of these people all of a sudden become well? Have they been miraculously cured? Or, more likely, has the President simply decided that providing health care for these very brave Americans is simply not a Federal responsibility? In either case, I certainly hope that this Congress will do the right thing and restore that funding.

The second has to do with education, particularly access to higher education. In his State of the Union message, the President chided the Congress for not having fully funded his American Competitiveness Initiative. Yet we are now presented with a budget that eliminates two programs for student financial aid that are absolutely crucial for needed students to attend college. One is called Supplemental Educational Opportunity Grants, approximately $750 million a year, and the other is Perkins loans, approximately $670 million a year. For those two programs, the President advocates taking approximately $1.4 billion out of the student loan program, and does so while costs are rising and the ability of students to pay is declining.

How can we have a competitive workforce, how can we have a competitive Nation, if we don't even provide our young men and women with access to college?

Future generations of Americans will pay the price for the President's flawed priorities and more debt as a consequence of his actions. In fact, the debt that will be accrued over the 8 years of the Bush Presidency will amount to some $3.5 trillion. That is an amount that exceeds the combined debt of all of the Presidents from George Washington through the first President Bush.

Madam Speaker, I encourage my colleagues, I implore my colleagues, to resolve one last time to defeat this budget request from the President and to restore middle-class, mainstream priorities, the very priorities that our new majority has been working on now for the last year.

□ 1945

## HEALTH CARE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Texas (Mr. BURGESS) is recognized for 60 minutes as the designee of the minority leader.

Mr. BURGESS. Madam Speaker, I come to the floor tonight to talk about health care, which we sometimes do in this hour. It's an important subject, and we are going to hear a lot about this over the coming year. We have got a Presidential election that is now in full throttle across the country.

We just had Super Tuesday, and by a strange turn of events the nominations are not settled and my home State of Texas now next month will, in fact, play a big role in helping select the nominees of the two parties. During this coming month, I expect we will hear a great deal about the plans and visions and the aspirations of the different candidates for health care.

But let's not forget, when we talk about health care, that it is on the floor of this House where about 50 cents out of every health care dollar that is spent in the United States of America today, it is on the floor of this House where that spending originates. I can't help but observe the last speaker who was addressing the House on the subject of the budget was critical of the President's budget, which is his prerogative and his right, but I would remind the previous speaker that it is his party that is in charge, as it was last year, and while it is the President's obligation to present a budget to the Congress every year, it is then the Congress' obligation to work on that budget and pass a budget, which will be voted on later in the year, that either accepts or rejects those proposals put forth by the President.

Indeed, last year, that is exactly what happened. So the budget that went forward last year was not the President's budget, I would point out to the gentleman from New York, but the budget last year was the budget passed by the majority on the House of Representatives floor last year, and the same thing will be true this year. They are in charge. It is their right and prerogative under the rules of the House that they will have absolute authority to create the budget and, as a consequence, those things that are felt to be important are going to be those things that are championed by their side. Those things that are felt to be less important will be those things that are left of the budget. That responsibility lies in the House of Representatives. Under the rules of the House, that responsibility lies with the majority party. Currently, the majority party is the party of the gentleman who just spoke.

So while I appreciate his passion, I appreciate his fervor in talking about the President's budget, I think he would be better served to actually spend some time talking to his leadership about the priorities as they come forward over this next year, because there are some significant problems that faced this House last year that were simply kicked down the road at the end of the year.

In fact, we saw a repeat of that last week. We were obliged to reauthorize the Foreign Intelligence Surveillance Act so that we have the tools necessary, our intelligence community has the tools necessary to prevent terrorist attacks on our homeland security and to help protect our soldiers who are serving in Iraq and Afghanistan. We couldn't do it, so we kicked the can

down the road a couple of weeks right at the end of the year, December.

We were supposed to do something about Medicare because physicians across the country were facing a 10.1 percent reduction in their reimbursement, a 10.1 percent pay cut if Congress didn't act. Well, we did act. We prevented that, but we prevented it for 6 months. Six months. What an insult. What an insult to the physicians of this country who are taking care of our Medicare patients, the patients we have asked them to care for. We couldn't even do our work to give them the certainty of what they would be reimbursed for the next year? No, it's 6 months is all you get, Doc, and then we're going to come back and visit it again. And, oh, by the way, we'll be in the middle of that Presidential campaign by then, so don't expect us to devote much more attention to it in June than we were able to muster in December.

But I digress. My purpose in being here tonight is to speak a little bit about what is going on in the practice of medicine, and, in spite of the fact that I may sound a little bit despondent, I will tell you that I am so optimistic about the world ahead, what the future holds for the young people today who are contemplating a career in health care.

When I was a young medical student in the mid 1970s in Houston, Texas, I could never have imagined that the day would come in my lifetime when a person could, of their own volition, go to the Internet and, with a couple of mouse clicks, find a place that would analyze their DNA and for less than $1,000 provide them vital insights into their genomic makeup so that they might be forewarned about some diseases, so that they might be forewarned about some conditions and use those tools to help manage their health well into the future.

Now, we hardly know what the results of this type of investigation are going to be. It has only been in the last couple of months, in fact, I think it was Thanksgiving that I read the New York Times article that talked about one of these labs that would provide this service. But who would have thought when I was in medical school in the mid-1970s that this day would have dawned where that information is available not just to the physician, it's available to the patient, to anyone who wishes to go on the Internet and seek out that information, seek out that lab and have that type of analysis done.

Think back on 20 or 30 years ago, a patient went to the doctor, the doctor gave a diagnosis, recommended a treatment plan to the patient, who pretty much had to accept what was given or go get a second opinion. Then, of course, in the late 1990s, and I know this very well because I was practicing actively at that time, render a diagnosis, write out a treatment plan, the patient would go to the Internet and check it out and then they come back and say, Doctor, this is what you're supposed to be doing. I went to the Internet and read about this.

Now in the 21st century a patient will be coming to their physician and providing genomic information and saying, Doctor, here's what I'm at risk for developing. How are you going to help me keep that from occurring? You know, Dr. Elias Zerhouni, the head of the National Institutes of Health, talks about a world where medicine becomes a great deal more personalized. It's no longer one size fits all, it's no longer just one antidepressant is out there for everyone. It's a much more personalized endeavor.

Because of the ability to know this information about the human genome, it's going to be a great deal more predictive. As a consequence, because of that predictive value, preventive medicine is going to take on new meaning, a meaning that, again, I would have never thought possible early in my training.

Finally, medicine is, of necessity, going to become more participatory. A patient will no longer be just a passive passenger along for the ride on their medical journey. No, they will have to be an active participant in managing their health care from times of health and times of disease.

Medicine is right on the verge of a truly transformational time. You add what we know, what we are beginning to understand and learn about the human genome and look how fast information comes at us nowadays. It is, again, just hard to think that back in the mid-1970s when I was in medical school, Internet, never heard of an e-mail, what's that? And now these are things that we take for granted. To our children, these modalities are simply second nature. They cannot imagine existing for even a day in a world where a cell phone and e-mail are not readily at their fingertips.

The speed at which information comes to us is truly phenomenal and, as a consequence, in professions such as the health care professions, a dramatic effect is going to be felt because of the ability to sort through large amounts of information over a short period of time and to extract data from those large amounts of information.

On the floor of this House, in September of this year, we reauthorized legislation pertaining to the Food and Drug Administration. It was truly landmark legislation. I don't know if my friends on either side of the aisle really recognized how significant that legislation was, because, for the first time, for the first time the Food and Drug Administration is provided with the tools for collecting that type of information and proactively researching that database.

The day may well dawn when a problem like Vioxx is discovered early, early in its release into general use and the types of difficulties that were encountered with that medication several years ago will, in fact, be a thing of the past. The red flags will be up. The warnings will be there. They will come immediately to someone's attention because of the type of database management that will be available. Truly, we will have a system that is totally interactive. The resultant effect on public health will be profound, because it's not just the side effects and the untoward effects that we are talking about, what if there was an unexpected beneficial effect where, perhaps, more people ought to be offered the benefits of this therapy or this medication.

Certainly, the story that we have learned with the type of medicine, the class of medicine called statins that lower cholesterol, that story has evolved significantly over the last several years. In the early 1990s, a LDL cholesterol of less than 130, you're in good shape. Then a couple of years later, it was less than 100, and now it's well under 100. The numbers to shoot for have gone down because the experience with that medicine, the information and data that has been gathered has pointed the way for physicians to understand that a subsequent lowering of that value will, indeed, protect a person's health in ways that they wouldn't have imagined when those medicines were first released.

Medicine is in a transformational time. Congress is going to have a lot to do with how medicine is practiced and paid for and regulated, not just in the next couple of years, but in the next 20 years, 30 years, 40 years, 50 years. The decisions that we make on the floor of this House today are going to extend far into the future, probably far beyond the lifetimes of many of us who serve in this House today.

But Congress really is not in the business of being transformational. Congress is transactional. We heard that just a few moments ago with the discussions on the budget. What does Congress do? We take money from this group and we give it to this group, and it defines who we are morally if we listen to the rhetoric of the last speaker. But that's what Congress does. We transact, we take money from this group, and we give it to this group. If you will watch the discussion that unfolds on the budget over the next several weeks, that will become intuitively obvious to the most casual of observers.

However, in a body that is so focused on the transactional, is it possible to keep an eye on the transformational and be certain that we don't derail the transformation that is likely to be occurring in medicine today? That's one of the tasks, that's one of the challenges, that's one of the obligations that we have serving in this body.

Now, I would submit if Congress wants to participate in the transformation, if they want to participate in improving health care, they are, in fact, capable of doing so. In fact, Congress could be a partner in the transformation if we can step back from the transactional long enough to focus on

the transformational. This is not just theoretical.

I had an opportunity to speak to Dr. Michael DeBakey, pioneer in heart surgery, a gentleman of great renown. We honored him on the floor of this House with a Congressional Gold Medal earlier this year. I had an opportunity to sit down with Dr. DeBakey. He talked about some of the changes that he has seen in his lifetime. He related how when he was a young man and graduated from medical school and then did his residency at Tulane Charity Hospital in New Orleans, he wanted to go into research. But he knew that in order to have the credentials to go into research he would have to go to Europe in order to obtain those credentials. This was back in the 1930s. Well, nowadays, someone who graduates from medical school and finishes their training and wants to devote a lifetime to research gets those credentials in the United States of America. In fact, other physicians travel to this country, to our hospitals, to our Texas Medical Center in Houston, to our Southwestern Medical Center in Dallas, to our M.D. Anderson Hospital in Houston. They travel to our country to get those credentials because that's where the best science is being done.

Dr. DeBakey reflected what caused the change between the time he graduated in the mid-1930s and what we see now at the end of the 20th century and the beginning of the 21st century. He maintained the cause of that change was the focus and attention, and, yes, the funding that Congress provided to medical research right after the Second World War. Indeed, the funding and the vision of the entire National Institutes of Health was a product of that type of visionary thinking.

So as Dr. DeBakey presented that thought to me, it was with the underscored emphasis that Congress can do this because Congress has done this before. So if we stay focused on helping and protecting and promoting that transformation in medicine, then it is possible for Congress to be, again, a participant in that transformation and not an enemy of that transformation.

Now, I am fortunate, because I did spend a number of years practicing medicine, working one time in a multispecialty practice, part of my time in a solo practice, part of my time in a single specialty practice, having practiced medicine in several different modalities during my lifetime, it gives me the ability to see things from the provider's side and now to see things from the policy side.

□ 2000

It is so important that we spend the effort understanding those things that will work and understanding those things that will not work.

I alluded earlier when I first started speaking about the problems that we face because we couldn't do our work in December and we postponed any real reform on the reductions in physicians' payments that we see year after year. You have seen me put up the posters that detail how hospitals, drug companies, HMOs are paid on a cost-of-living adjusted basis year over year, but physician reimbursement is paid on a crazy formula that reduces and ratchets down reimbursements year over year. That just simply won't work.

When I talk about Congress being a transactional body and that transactional activity being the enemy of the transformational, that is precisely the type of transactional activity to which I am referring.

Think of it. We always talked about the laws of supply and demand. What are we doing to the supply side of that equation if we are actually telling our doctors we don't value what you do, and we don't care about the fact that you take care of our sickest patients, our Medicare patients? That is just not important to us in Congress, and then we underline that by postponing dealing with it for 6 months. Again, an assaulting concept to the doctor who is toiling day after day to take care of the patients that we have asked them to take care of for us.

Another aspect of that activity, as the year wound down last year, was the attempt to attach a rather inflexible program of e-prescribing to whatever fix we managed to achieve for the Medicare payment. Now, e-prescribing is not inherently a bad concept.

Madam Speaker, you think about it, I am left-handed so my handwriting has never been good. And then I went to medical school and had to take notes fast, and my handwriting got worse. And then I got old, and my handwriting got even worse. And so it is very difficult to read those handwritten prescriptions that we scribble out quickly at the end of a patient visit. What a benefit it would be to the patient, to the pharmacist, and to the physician to have a method whereby that prescription was shot to the pharmacist via e-mail at the time of the patient encounter. It would save waiting time, no problems with legibility, and there could be computer algorithms that were developed that would prevent a patient receiving a medicine to which they were allergic or which would counteract or interfere with another medicine they were taking. So a good concept. And then like so many things, Congress deals with it in a way that makes it untenable.

The e-prescribing bill introduced by a Senator on the other side of the Capitol, said, Doctor, if you do this, we will provide you a carrot and a stick. The carrot is a 1 percent increase in your reimbursement for taking care of that patient and providing an electronically written prescription at the end of that patient visit. Just 1 percent.

Now I am going to make some numbers up because it makes the math work. In fact, the numbers are probably much lower than what I am going to make up. But assume a physician working in an average practice in a city like mine sees a Medicare patient, return visit, moderate complexity. Assume they are paid $50 for that visit. That is actually pretty generous if you look at most of the Medicare fee schedule reimbursement rates. But because it makes the math easy, let's say $50.

So if that doctor participates in an e-prescribing regimen, what does that mean? It means they get an extra 1 percent. That is 50 cents for those of you slow at math. So that visit is going to take about 15 minutes if you do it correctly. Again, remember it is a moderately complex Medicare patient, a senior citizen. So you get an extra 50 cents if you, instead of writing that prescription by hand, you put it into a laptop or BlackBerry and send it off to the pharmacist electronically.

You can see four of those patients in an hour. If you are really pushing yourself and you have everything firing on all eight cylinders in the office and the front desk and nurses are moving along, you can see four patients in an hour. So four $50 visits. So that is $200 reimbursed for that hour's work. That is not the doctor's pay. Don't misunderstand me. He has to pay all of the overhead as well. Nevertheless, during that hour, that physician will generate $200 in revenue. For that, if they do e-prescribing, we will reward them and give them an additional $2 for that hour's work.

That is not a great incentive, but let's think about it also from the fact that it is not just one prescription that doctor writes for that Medicare patient, no. The average Medicare patient has three or four prescriptions. So when you figure it on a per prescription basis, the actual benefit to the physician is somewhat less than 10 cents for every prescription that is handled electronically. And it is a little bit more involved to do that. A doctor who is used to writing out a prescription quickly can do so quickly. Typing it into a laptop or BlackBerry is going to take longer, maybe a minute or two minutes. But if you are seeing 30 patients a day, 2 minutes per patient, that adds up to an extra hour, and that extra hour is an hour away from hospital activities, seeing other patients, an hour away from family. It comes from somewhere, because we all know that the hours in the day is a zero sum game. If you take an extra hour, it comes from somewhere else.

So we are going to compensate for that. We are going to pay a little less than 10 cents per prescription as it is written.

What if you don't do it? You say it isn't worth it. You cut my reimbursement every year in Medicare, I have to take on this big expense, I have to learn a new technology, pay the expense of the software maintenance, I am not going to participate.

Well, the bill that was introduced last December, after 4 years' time, would have applied the stick to encourage, again, our physician community

to utilize this technology. And the stick was a 10 percent penalty.

Wait a minute, a 1 percent up tick and a 10 percent penalty. That is imbalanced. Let's go back to our hypothetical return visit, moderately complex Medicare patient, a $50 reimbursement, 10 percent penalty, that is a $5 penalty for that visit. And if you are seeing four patients an hour, that is a $20 penalty for that hour's work. You see the balance. If you do it, we will pay you $2 because we think it is worth that. If you don't do it, it will cost you $20.

And we wonder why our senior citizens call up to get an appointment with a physician when they get covered on Medicare and no one wants to see them? This is the way we behave. We cut their pay. We can't agree amongst ourselves to do something rational to protect physician reimbursement rates at the end of the year. And by the way, we want to add this thing on top, this secondary insult on top of the others.

I urge Congress to not focus on the transactional; focus on the transformational. What do you need? If you are going to move from a system we have today, which is based on a written prescription, to a true electronic prescription environment, who do you need on your side on that? I am telling you, if you don't have the doctor on your side, it is not going to happen. Yes, you can frighten and cajole and preach all you want, but it is important for Congress to remember that this transformation will take place faster, with much more expediency, if we will take the time and trouble to instruct, educate, provide for, provide the proper support and proper compensation for our physician community if they undertake it, embracing this type of technology.

One of the things we are going to hear a lot of as we go through this Presidential election year, terms like ''universal coverage,'' ''universal access,'' and they don't mean the same thing, so it is important to spend a few minutes differentiating between the two. We will hear talk about mandates and whether they are a good thing or a bad thing. We will hear ''individual mandates,'' ''State mandates,'' ''employer mandates,'' and it is important to spend a few minutes discussing the differences between those terms as well.

Let's deal with the concept of universality of medical care. That is one that many people in this body and many people on the Presidential trail today say they want to see.

Now, universal coverage, universal access. Universal access, everyone has insurance whether they want to do it or not. It is a little tough to do that in a free society, but yes, we can write laws that can make that happen. See the discussion on mandates in a few minutes. But universal coverage is one of the options available to us.

Universal access would say that everyone has access, everyone has the ability to go out and purchase an affordable policy. And if they can't afford it, they have the ability to access a funding mechanism that will provide the type of premium support, the type of premium assistance to get them that coverage. And that debate will occur over this next year.

Universal coverage, universal access.

On the whole issue of mandates, and this is an important concept for people to understand, is it better to say this is law, this is something you have to have, or is it better to create the types of programs that people will actually want to have? Let's think about that for just a minute.

What does the term ''individual mandates'' mean? It means a law is passed by a legislative body, in this case the Federal Government, although it has been tried at the State level. An individual mandate means that everyone has to go out and buy insurance. In my home State of Texas, we have that with our automobile policies now. Everyone has to buy an automobile policy. With an individual mandate, that is how we would achieve universal coverage. You have to buy insurance, and if you don't, there is a penalty to be paid of some sort.

In the State of Massachusetts, in really what I consider a very bold attempt to provide coverage for everyone, an individual mandate was instituted. It hasn't worked out exactly as planned, and some of the difficulties encountered in Massachusetts were cited in California as a reason why that State's plan for universal coverage was recently defeated in the California State Senate. Many people looked at the option, or the requirement, I should say, of buying insurance and said, I don't know. And then remember the law of supply and demand. We increase the demand because we mandate it, you have to do it. What happens? The price goes up, and as a consequence some people looked at that and said, I really can't afford that. I will pay the fine rather than buying the insurance. Truly a perverse incentive.

So some of the support for the concept being talked about in California found itself lacking when faced with that equation in another part of the country. How can you consider putting an individual mandate on when it drives costs up and people find themselves in a position that they would rather pay the fine for not having the insurance than they would to purchase the insurance itself?

When we talk of mandates, and there have been several studies done on this, think back to the 1960s. The United States Congress put a mandate out there that every motorcycle rider in the country would have to wear a helmet. They reversed that mandate and put that obligation, correctly, in the court of the States to make that decision. And the reason Congress reversed that decision was the hue and cry and outcry from across the land from motorcycle riders saying that you can't make me wear a helmet in a free society, and Congress eventually backed down. And so that was kind of an unpleasant experience with mandates.

Most States do have an individual mandate for automobile insurance, and they get good compliance with that. But it is interesting, one of the States with the best compliance has no individual mandate. So mandates don't always equal better compliance, and nowhere is that more evident than our current tax structure.

□ 2015

The Internal Revenue Service, which collects our taxes, there's a mandate, an individual mandate on every person who earns above a certain income level that you will pay taxes. You will pay a percentage of that in taxes and, in fact, everyone knows, it's no secret that if you don't pay that tax the punishment is going to be sure, it's going to be swift, and it's going to be extremely unpleasant.

We've got 15 percent of the country right now that lacks health insurance. Can we get improvement on that number by putting an individual mandate on?

Look at the case with the Internal Revenue Service. A severe mandate, severe penalties for noncompliance, and what is our compliance rate with the Federal income tax? It's about 85 percent. In other words, 15 percent don't comply. So this requires a good deal more study and a good deal more attention than just simply making that leap of faith and saying everyone needs insurance, therefore, there will be an individual mandate that everyone will have insurance.

Again, there were some problems with the cost structure when that was tried in Massachusetts to the point that the people in California, the State Senators in California, when they looked at that, said, maybe that's not the best idea for us.

Well, once we determine what the overall goal is, then perhaps our path will be a little bit easier. Certainly we want to democratize our health care in a way that preserves choice, makes certain that patient focus is the central theme, and we want to continue to promote innovation, because, remember, America is the country that is known for medical and scientific innovation.

Well, what about the concept of creating products that people actually want? Do we have a model? Do we have a template that we can look at to perhaps discuss that a little further?

And, in fact, we do. We passed a bill on the floor of this House, late in the night of November 22, 2003, called the Medicare Modernization Act which provided for a prescription drug benefit for citizens on Medicare who had not had one previously. It was called Medicare part D.

What's been the experience with Medicare part D? And I will stipulate

that there were people on both sides of the aisle in this House, there were people on the right who were critical of the Medicare part D program, and there was certainly no shortage of critics on the left who were critical of the Medicare part D program.

But as that program was instituted and has now been up and running for over 2 years, what lessons have we learned from Medicare part D? Well, we've learned that more than 90 percent of the persons who were eligible for that coverage have, in fact, enrolled.

Wait a minute. With the IRS, with severe and certain and sure penalties, we only get 85 percent compliance. With Medicare part D, by creating programs that had value to patients we've got 90 percent compliance, and 80 percent are happy with the program. If we go back to our friends at the IRS and say, what's the percentage of people that are happy with the way our tax system is administered, I don't think the number is 80 percent.

Consider that when we passed that bill on the floor of this House in the early morning hours of November 22, or actually I guess it started on the night of November 22. It was in the early morning of November 23 that the bill actually passed. Consider at that time we were told by the best actuaries at the Office of Management and Budget and the Center for Medicare and Medicaid Services that it was going to cost about $37 a month for that coverage. What has the experience been? The average plan costs less than $24 a month now, over 2 years into the program.

So this is a Federal program that relies on some competitive forces and relies on some participation of the private sector, and, in fact, has reined in some of the increase in spending that was feared to accompany this program by restoring the savings and incentives and leveraging competition and getting the buy-in from the patients themselves. What would be the more favorable trajectory? Force people into a program, difficult to do in a free society, and your compliance rate may not be exactly what you want it. Or would it be better to create a program of value that also relied a little bit on some competitive forces to keep that cost down.

Now, one of the great debates that was had on the floor of this House a year ago when the current majority party took over was the whole concept of reforming the part D benefit. And we don't hear much about that anymore. They weren't successful. One of the big proponents, or one of the big themes that was proposed was to cause or ask or demand that the Secretary of Health and Human Services negotiate drug prices with drug companies. I will just tell you from a lifetime in health care that HHS or CMS, they don't negotiate prices, they set prices. That's what they do. And many of us on my side of the aisle felt that that would be counterintuitive to the way this program was working, and in fact, it was working.

And, you know, Madam Speaker, and this is only partly in jest, but if we wanted to create a program where the head of a Cabinet agency, an agency secretary was to negotiate, maybe we ought to look to the Department of Education and ask the Secretary of Education to negotiate prices with college deans for the cost of higher education. That might be a better trajectory. I'm waiting to see that legislation come forward from the majority.

But, nevertheless, part D was left untouched last January. I'm grateful that it was, and I think again the numbers speak for themselves. This is a template. This is a model, this is a program that we perhaps should seek to duplicate because it created a condition of value, that consumers, that patients, that individuals wanted, and the compliance rates are high. The satisfaction rates are high. And, most importantly, seniors now are getting the medicines they need to keep them out of the hospitals and out of the doctors offices, and the overall cost for delivering Medicare, while it is still extremely high and still likely unsustainable over time, it has at least moderated or ameliorated over the last couple of years. In fact, the trustees' report from June of last year that came out said the bad news is Medicare is still going to be broke. The good news is it's going to go broke a year later than what we told you before. So seeing the beginnings of that cost savings and how that can change the practice of medicine and the delivery of health care in this country, that's a powerful anecdote for people to consider.

One of the things that we talked about is the speed at which information will come to us in the future. And there's no question that it's increasing every day. Most of us wear a Blackberry on our belt that has more computing power than the big computers on Apollo 13. It's astounding what's happened with computer power over the last two or three decades. And we hear a lot about the improvements of health information technology, the improvements in the platforms and what that improvement can mean to patient care, what it can mean to the practice of medicine, what it can mean to bringing down the cost of medicine. And, indeed, these are powerful influences.

Madam Speaker, I will tell you I haven't always been a big proponent of things like electronic health records. But as my experience on the ground in Louisiana in 2005 and early 2006 taught, getting to visit the medical records room at Charity Hospital shortly after it had been dewatered, I didn't know that dewatered was a verb, but, nevertheless, that's what the Corps of Engineers told us they did, and indeed, these flooded basements were now available for people to go into, the scene in the medical records room, the medical records that were damaged by the high water, damaged by the chemicals that circulated in that water, the black mold that was going on these paper records made it abundantly clear that these were records that could never provide useful information to a physician or a patient again. And how much more powerful would it have been to have that information available electronically, available to be transmitted from New Orleans to Dallas or Houston or wherever the person had had to travel to after that terrible storm and in the ensuing aftermath. It changed my thinking on electronic health records and electronic medical records.

But I will also tell you, I'm concerned about the Federal Government's ability to create the structure that people feel is necessary for that day to dawn where electronic health records are, indeed, the standard. And I say that because when I came here 5 years ago, the discussion was, the Federal Government is going to create those platforms. It is going to create the software. It is going to create the type of information technology that private industry will then follow the leadership of the Federal Government. And, Madam Speaker, it's 5 years later and we still don't have it.

I did have the opportunity to speak to a CEO of one of the larger insurance companies in this country a few months ago. In fact, he talked at a symposium that was put on by Health Affairs downtown the first of November. He talked about within his company he has 45,000 employees, and fully 15 percent were employed in the development of software. Fifteen percent were employed in the development of that information technology architecture that we all talk about here on the floor of this House. In fact, he said if his software development portion was a stand-alone company, it would be one of the largest software development companies in the United States of America. And yet it is a single branch of a single private insurance company. And more to the point, they had developed algorithms, mostly from financial data, but they had tens of thousands of conditions, medical conditions that they had studied, again using purely financially data, and they had found some things that actually seemed clinically very relevant and certainly important for a company that might be interested in holding down the costs of administering health care. They found that if they paid for A and B, C was very likely to follow, and guess what? They were very likely to have to pay for D, and D cost a lot of money. The example given to me was of treating an individual with a heart attack. If that individual with a heart attack, if they did not anticipate an episode of depression following that individual's illness, it would very likely interfere with their rehabilitative efforts after they got out of the hospital, and so their likelihood of a long term return to health and productivity was curtailed.

And again, they found this by analyzing financial data, that if they put someone in the hospital for a heart attack, successfully treated them, discharged them, but did not anticipate depression, they were very likely at some point to pay for a hospitalization for depression, pay for treatment of another heart attack because they didn't comply with the regimen after they got out of the hospital. Very powerful information. And as someone who spent 25 years in clinical medicine, I will tell you, that's just exactly the type of information that would be extremely valuable to the clinician.

Well, what's the problem? The Federal Government said 5 years ago that it was going to develop the platforms that private industry would then take up and follow, and we haven't done it. And yet here's an individual from the private sector excitedly telling me about what his company is doing and the benefits that they've found. And you have to ask yourself, would it not perhaps be better for the Federal Government to allow that to happen, allow a company to develop that type of software, to develop those types of programs, to perhaps bring the clinicians now and begin to populate some of those fields with clinical data so that they could get even better and more accurate information.

And I asked that individual, well, what would it take? What would you need to see from us to allow this to work better for you? And, no great surprise, he talked about the things that we talk about on the floor of this House all the time. He said, it wouldn't hurt to have some regulatory reform. It wouldn't hurt to have some reform in what are known as the Stark laws that prevent hospitals and physicians from doing too much together for fear of some type of unjust enrichment. We would need some modifications to some of the privacy laws. And at the end of the day, too, we're going to need some safe harbors with liability. But if you provided us that, we could really take this to the next level. And we won't. And yet they're ready to make the investment and they're already making the investment, even without any Congressional activity, because they find it delivers value to their patients, to their physicians and, yes, to their bottom line because they're a profit-oriented company.

What is the difficulty with this body recognizing that that type of activity is going on all around us, and maybe we don't need to reinvent the wheel here on the floor of this House. Maybe we just need to wake up and look around at what is happening literally just across the street.

□ 2030

Now, some of the other things I want to talk about this evening before I run out of time, I have already alluded to the problem with supply and demand in our physician workforce.

Just a little over 2 years ago when he was finishing up his term as Chairman of the Federal Reserve Bank, Alan Greenspan came and talked to a group of us one morning and the inevitable question about Medicare came up: How are we going to pay for it in the future? What is it going to cost? And the Chairman was concerned as well, but he did say, When the time comes, I think Congress will make the hard decisions that Congress is required to make so that the program will continue. He stopped, and then he went on to say, What concerns me more is will there be anyone there to deliver the care when you need it?

And we've already talked about some of the problems that are inherent in the formula by which Medicare reimburses physicians.

And one of the things I don't think I can stress enough on the floor of this House, because I don't think Members understand this, they think, well, that's just Medicare; that's just a part of the practice of medicine. That's not the whole story. Well, it is about half the story. Actually, the Federal Government does pay for about half of the health care expenditure in this country, if you go back to the first moments of this discussion.

But the other thing is that the rates by which Medicare reimburses for health care informed the rates that are set by the private insurance companies in this country.

So indirectly, we have a system of Federal price controls on medicine in this country today. And that's why, when we ratchet down the reimbursement rate for physicians on Medicare, and everyone in the body is quick to say, Oh, well, doctors make plenty of money. There's no need to worry about that. Remember, also, we are affecting not just Medicare, over which we have jurisdiction, but we are also affecting those reimbursements in the private sector as well because there is not a level playing field between provider and third-party payer. That's one of the problems inherent in our system now. People that go to the physician don't actually pay the physician; they pay the insurance companies. Same with the employers. They don't actually pay the physician; they pay the insurance company.

So that interposition of a third-party intermediary has created a good deal of the tensions and a good deal of the problems that we see today.

But we must not forget, that is a system that is there, that is a system that is in place, and when we make a decision about Medicare reimbursement rates, the ripple effect throughout the health care world in the reimbursement is significant, it's profound, and it is immediate.

One of the things that I feel very strongly about is that we do need to help people know what they're buying and what they're getting in health care. And one of the bills that I introduced early in the first session, the last year of this Congress, was H.R. 1666, which does deal with health care transparency.

It sets a floor of a level of transparency that should be available in every State. Many States have already undertaken this work. My home State of Texas has, and, in fact, patients can go to the Internet to a Web site. It's texaspricepoint.org, abbreviation txpricepoint.org, and they can get information about the hospitals in their county. Most of it is pricing information. Other information, other useful clinical information such as length of stay is also available.

At some point I expect there will also be the transparency about things like complication rates and infection rates, but it's still a work in progress. Other States have done similar activities. The State of Florida with its RxCompare. People can compare prices for different prescriptions, which has been useful for the people of Florida.

What the intent of H.R. 1666 was to not provide a Federal standard but at least to provide a level of transparency below which States should not go. And I would like to see this House of Representatives at some time take on this problem, because I think it is one that is extremely important.

And it does lead in to the other issue of how States and hospitals report complications, such as infections. And, again, I do think there is a role for Congress, I do think there is a role for the Federal Government, not so much in writing that legislation State-by-State, but providing the framework by which the reporting can occur to allow a Federal agency such as the Centers for Disease Control the ability then to aggregate that data and provide useful information back in real-time to the States and to the hospitals and to the physicians about infection rates in their particular areas.

Most epidemiologists will tell you the chance to measure is the chance to cure, or the chance to prevent, in the case of infections. And the metrics, just the activity of undergoing the metrics in those conditions, will oftentimes lead to improvements that were unanticipated at the beginning of that program of metrics.

Other legislation that's out there that deals with our physician workforce, H.R. 2583, H.R. 2584, both bills designed to affect individuals earlier in their career, in the health care workforce even prior to the entrance into medical school, the ability to provide a little bit more flexibility and a little bit more balance in the health profession scholarship, a little bit more flexibility in loan forgiveness and tax incentives for individuals who are going to medical school and will agree to practice in medically underserved areas in high-need specialties, and that is essentially primary care, also fields like OB/GYN and general surgery, to provide a little bit more flexibility to help incent people who are willing to make those types of decisions. And there is significant lifestyle decisions that they are making to undertake those type of careers.

And then there's another program to increase the number of primary care residencies that are available, again, in high-need areas, medically underserved areas for specialties that are in high demand, and, again, we are principally talking about the primary care specialties.

The barriers for entry for a medium-sized to moderate-sized hospital to start up a residency program are essentially costs. And some of those start-up costs in this legislation can be provided for in a loan. And there will be a loan that is paid back so that money will recycle, and the overall return to the taxpayer is increased that way. It will allow those hospitals the ability to set up a residency program where none has existed in the past. And I can think of many, many hospitals in my home State of Texas that could benefit from that type of activity.

And one of the things when people study how physician manpower is distributed, you can say a lot of things about doctors, but sometimes we are not very imaginative and we don't tend to go very far from where we trained, and there are some valid reasons for that. You get comfortable with referral patterns. People know you from your training program, so they're apt to refer to you. There's a degree of comfort there. And myself, for example, I went into practice less than 25 miles from where I did my training. A lot of doctors do follow that same sort of trajectory.

So if we can move the training programs into the areas that need the physicians, it may then follow that those physicians who train in those programs will end up staying in those medically underserved areas.

It's difficult for me to come to the floor of the House and talk about things related to health care and at least not mention some of the problems that we face with our medical justice system in this country. And I know there are lots of people out there with a lot of different ideas, caps on noneconomic damages, medical courts, early offer arbitration. The time has come for us to have a serious discussion to put some of the partisan differences aside, to put some of the special interests aside and have a rational discussion about how we can meaningfully impact that problem in this country.

My home State of Texas passed rather significant legislation 4 years ago dealing with the issue of caps on noneconomic damages. It was patterned after an earlier California law, the Medical Injury Reform Act of 1975. It was passed out in California, which put a $250,000 cap on noneconomic damages. The Texas legislation was a little bit different. Instead of a single cap, there were three different caps, each capped at $250,000, but the aggregate was $750,000 compensation available for noneconomic damages. It has worked very well in my home State of Texas.

The year that I left practice to come to Congress, we were in crisis. We had gone from 17 medical liability insurers down to two. You certainly don't get much in the way of competition when you only have two insurers, and as a consequence, the price for those premiums was ever escalating. Now we have had many insurers come back to the State. They've come back to the State without an increase in premiums. And, in fact, Texas Medical Liability Trust, my last insurer of record, has returned, the last time I checked, 22 percent reductions and dividends back to their physicians that they cover. And that's significant because, remember, these premiums were going up by 10, 15, 20 or 25 percent year over year, and then on the past 4 years, they've not only stabilized, but they've come down 22 percent.

Small and medium-sized hospitals that self-insure for medical liability have had to put less in reserve against a bad judgment, and as a consequence, there has been more money to spend on just exactly the kinds of things you want your community hospital to be spending its money on; things like nurses' salaries, capital improvement, investing in their capital infrastructure.

So it is a good news story from the State of Texas in terms of what we've been able to do with liability in my home State, and I'm not going to say that's the only answer, but I think it is a very good answer. I introduced legislation, H.R. 3509, to essentially provide the Texas legislation on a national scale.

In fact, we had a lot of talk about the budget earlier tonight. Last year, I offered that bill to the Budget Committee because the Congressional Budget Office scored it as nearly a $4 billion savings over 5 years. I realize that's not much when you are talking about a $3 trillion budget, but that's $4 billion. That's a significant savings, and I was willing to donate that to the Congress.

Take up that concept, write it into law in your budget resolution, and let's get something done to stabilize medical liability prices in this country, not so much for my home State of Texas, as we've already done it. But what about Pennsylvania? What about New Jersey? What about Maryland? What about New York? Maybe those areas could benefit from some of that same type of thinking as well.

Well, suffice it to say that that concept was not accepted, but I will extend the offer to members of the Budget Committee on both sides of the aisle that $4 billion in savings is still available to you. H.R. 3509 is the bill, and I will be happy to relinquish all ownership rights and donate that to the greater good of the United States Congress and the people of the United States.

One last piece of legislation that I want to mention, and it was introduced right at the end of the year, H.R. 4190. We talk on the floor of this House a lot about the problem of the uninsured. In fact, I've spent some time talking about it this evening.

H.R. 4190 isn't a new insurance program. It isn't a new expansion of Medicare or Medicaid or SCHIP. What H.R. 4190 does is take the concept of being uninsured and extend that privilege to everyone who serves in the United States Congress. H.R. 4190 would remove us, as Members of Congress, from the Federal Employee Health Benefits plan, provide us a voucher, if you will, to go out and purchase insurance on the open market. And I can't help but think, if we were put in the position of many Americans who are faced with those decisions about having to buy health care coverage on their own out in the open market, perhaps we would get a little more creative about the unequal treatment from the Tax Code for employer-derived insurance versus an individually owned policy. Perhaps we would get a little bit more creative about providing a little more flexibility in a health savings account.

Perhaps we would get a little bit more flexible even if we are of the mindset that said, Well, we are going to extend our single-payer health care to more and more people. Well, what if Members of Congress had the same problem finding a doctor that your senior citizens at home tonight are having when they call up the doctor they've seen all of their lives and are told, Sorry, we can't take any more Medicare patients?

Well, H.R. 4190 is an intriguing concept. I haven't had much interest as far as cosponsorship is concerned, but it's still out there. It's still available, and I welcome Members from both sides of the aisle to think about that, to look at that, and see if we couldn't forge a common bond and a good-faith effort to really do something for the people who lack insurance coverage in this country or the people who are fearful that they will lose their insurance company if their job changes or their financial situation changes.

There's a lot of things out there on the horizon, Madam Speaker. There is a lot of good that this Congress can do. I think it is important for me to make the point one last time that medicine is evolving in a big way. It's going to change significantly in our lifetime.

□ 2045

Congress can participate in that evolution, and actually participate and be a force for good if we're only willing to pick up and take on the work that the American people have sent us here to do.

Thank you, Madam Speaker, for your indulgence.

## 30-SOMETHING WORKING GROUP

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Pennsylvania (Mr. ALTMIRE) is recognized for 60 minutes as the designee of the majority leader.

Mr. ALTMIRE. Madam Speaker, we're here this evening as part of the Speaker's 30-Something Working Group, and I'm going to be joined by some other members of that group who will be familiar faces to our colleagues who have participated in these Special Orders presentations.

We're going to talk specifically tonight about the budget that the President dropped on our doorstep on Monday. Now, this was an exciting series of days for the American people. We, of course, had Super Bowl Sunday, one of the most exciting Super Bowls we've ever seen. We had Super Tuesday last night, very exciting for all the American people to watch the unfolding for the Presidential election for this year. And in the middle of that, we had Monday.

And what happened on Monday? Most Americans say, well, not a whole lot happened, but in Congress a lot happened because the President put before us a $3.1-trillion budget. Now, the American people may say, well, that sounds like a lot of money, and it is a lot of money. But what does it look like? What does $3.1 trillion look like? Our colleagues may be interested to see that. This, Madam Speaker, is what $3.1 trillion looks like. This is what the President sent us, both electronically and in paper format. This is a very big document, the entire Federal budget as proposed by the administration for the coming fiscal year 2009.

I'm going to talk a little bit about what's in this budget, but before I did that I wanted to take a little walk down memory lane for our colleagues. And many don't need to be reminded of this fact, but in the last 4 years of the previous administration we had four consecutive budget surpluses. And those surpluses, at the end of that administration and the beginning of the current administration, budget surpluses were forecast as far as the eye can see. And there was every reason to expect that the budget was going to be balanced throughout the next administration. The projection over 10 years by the Congressional Budget Office was $5.5 trillion of budget surplus over 10 years. That was the projection.

Well, now we're 7 years, going on 8 years, into this new administration. This is the eighth and final budget that President Bush is going to send to this Congress. And what has been the outcome of this $5.5 trillion surplus? And we talked about the Presidential election, Madam Speaker, and I would remind my colleagues about the debate of the 2000 election. The number one issue that was discussed in that election was, what are we going to do with this surplus? We have an enormous budget surplus, $5.5 trillion, and all the ways that that money could be used. Are we going to pay down the debt? Are we going to shore up Social Security, put that money into the trust fund? How are we going to use this enormous surplus that's facing us over the next 10 years? That was the debate in the year 2000.

Well, in this Presidential election year we're not having that debate anymore because, you see, Madam Speaker, that surplus is gone. That surplus was gone in the first year of this administration. Instead of $5.5 trillion of budget surplus over a 10-year period, we've had $3.5 trillion of deficit spending over the first 7 years of this administration. And I'm going to talk in some detail about what this fiscal year 2009 budget says, and it includes an enormous amount of deficit spending.

What we have before us is a budget that for the eighth time in 8 years continues enormous deficit spending. But we can't lose sight of the fact that when this administration first came into office, that wasn't the projection. That wasn't the way it was supposed to be and that wasn't the way it had to be. But, unfortunately, decisions were made in a fiscally irresponsible manner, and now before us is a budget that is $407 billion over budget. We have a $407 billion deficit for one year, fiscal year 2009, the third highest single year budget deficit ever submitted to the Congress behind only the budget that was sent to us last year by this President, which was $410 billion, and the 2004 budget also submitted to this Congress by the President.

So we have a record here of destroying projected surpluses and creating record deficits. $9.2 trillion of debt, Madam Speaker, faces this country before this $400 plus billion deficit that's been submitted to us.

We can't continue to charge things to the credit card. The way the previous administration turned the all-time record deficits of the 1980s into all-time record surpluses in the 1990s was through pay-as-you-go budget scoring. And that's very simple: It's what we all do in our own home checkbooks. It's what every business in America is forced to do. You have to have money on one side of the ledger to spend it on the other. And if you want to increase spending or if you see a decrease in your revenue, you have to have an offset on the other side to balance it out. Well, those are the rules that this Congress operated under from 1991 through 2001.

Unfortunately, this administration did away, and the Congress, in conjunction at that time in 2001 going into 2002, did away with pay-as-you-go budget scoring. And since that time, before this current session of Congress, every penny that was spent through the Federal Government was charged to the national credit card. We're going to let somebody else worry about it. We're going to transfer this funding to our children, our grandchildren, and our grandchildren's grandchildren. Well, unfortunately, the problem with using credit cards that way is the bill comes due, and the bill has come due, Madam Speaker.

We're going to talk about the coming economic crisis that this country faces, the possibility, if not the certainty, of a recession, and the economic stimulus package that this Congress came together in a bipartisan way to put forward to help resolve that issue. We're going to save that discussion for a little bit later.

But in the discussion over the budget, it can't be lost that in presenting a $407 billion deficit budget before this Congress, that this President has made incredibly deep cuts in some very important programs that mean a lot to a lot of people in this country. Veterans programs, veterans health care, slashed. Medicare cut by $556 billion over 10 years, a cut in Medicare at a time when you're exploding the deficit by $407 billion. And we're going to talk specifically about the misplaced priorities included in this budget.

Before we go line by line and get into that level of detail, Madam Speaker, I do want to turn it over at this point to my 30–Something colleague, Mr. MURPHY from Connecticut, who has joined us and is going to give us some detail on what he views this budget to be.

Mr. MURPHY of Connecticut. Thank you very much, Mr. ALTMIRE. I don't want to take too much time because I know the American people are eager to hear your detailed line-by-line analysis of the President's budget, so let me be brief.

You hit it on the head here. I mean, this budget that the President has proposed to us is the worst of both worlds. It cuts spending on programs that everyday middle-class families and seniors and the disabled use to simply grab hold of the apparatus of opportunity that has been stolen from them, and at the same time, it continues to spend wildly in other parts of the budget. It continues to give away massive, unjustified tax breaks for the richest 1 percent of Americans that aren't even being asked for by many of those people. And it results in a pretty ugly picture over the next several years for this country if we were to adopt the budget that the President put before us.

It would mean massive cuts, as you've already laid out, to health care programs, to law enforcement programs. And, Mr. ALTMIRE, this budget has got a 100-percent cut to the COPS program. The COPS program is the acronym for the community policing initiative that was started by President Clinton over 10 years ago. It is one of the most successful law enforcement programs that this Nation has ever seen. Any Member of this House on the Republican side of the aisle or the Democratic side of the aisle can just go down to their local police department, any one of them, and ask their local cops whether or not community policing has worked. It has. That's not me saying it, that's not just the statistics saying it, that's the experiences of thousands of community policemen who have been on the beat for years.

Now, what's happened over time is the Republican Congress year after year slashed and burned that line item, and so many communities either had

to take cops off the community policing beat or start picking up the tab themselves. That means increased property taxes for people because somebody has to pay for it. And this budget that we're looking at right now takes out the entire amount for community policing. I guess I just don't understand how you justify that. I mean, I would love to have somebody from the administration on this floor try to explain in a commonsense way why they don't believe that the experiences of thousands of communities and thousands of police officers is true, which is that community policing works.

But here's the other side of this equation, Mr. ALTMIRE, and I know we're going to talk about this. At the same time, it's not like we're getting anywhere for all of the cuts in this budget because this budget envisions the Federal deficit continuing to explode. Now, this is a small little chart, you probably can't see it, but this is a pretty dramatic, but accurate, representation of what's going to happen to the Federal debt.

In 2001, we had about $5.8 trillion in Federal debt, and you can at least see that it only is going in one direction. Under the President's budget, by 2013 we're going to owe $13.3 trillion to foreign nations, Mr. ALTMIRE.

We are cutting funding for programs that matter, we are spending money wildly in other parts of the budget, primarily in the defense budget, and what we get in the end is a Federal budget that is more out of whack, more out of balance than it ever has been, and families who are struggling, amidst this economic slowdown, who are going to see less services and less help from their government.

Mr. ALTMIRE. I'm sure the gentleman from Connecticut would agree that it's ironic, given the fact that it was a week ago that we sat here together in this Chamber and listened to the President's State of the Union Address. And I liked some of what the President had to say on fiscal responsibility, challenging the Congress, challenging his administration to take the budget and make tough decisions and be fiscally responsible.

Mr. MURPHY of Connecticut. Let me stop you there for a second, because I liked what he said, too. But I would have liked it if he had said it for the last 7 years of his administration. I mean, you know, I hope it wasn't lost on anyone watching that State of the Union speech that for the last seven Congresses, as the Republican-led majority has spiraled spending out of control, has added on political earmark after political earmark, the President was absolutely silent on that matter. And it is just incredibly convenient that in the year in which the Democrats take control of the House of Representatives is the first year that we hear in a State of the Union speech the President talking about grants in Federally approved budgets.

Mr. ALTMIRE. Well, and again, the things that were said as far as fiscal responsibility made some sense, and I was happy to hear them. And you're right, we had not heard them over the past 7 years, and that led to the deficits that the gentleman and I have both talked about.

Now, we sat here and we heard that. And I thought that hopefully that would translate to the President submitting a budget where the actions actually matched the words that we had heard a week ago. Unfortunately, it didn't. The President, a week later, submits to Congress a budget that's $407 billion out of balance. And we're living in a time when the second largest line item in the Federal budget that is before us is the interest on the national debt, which is $9.2 trillion. The second largest line item in this budget is interest on the national debt. Now, that alarms me, Mr. MURPHY, and I'm sure it alarms you. And I would want to do something about that if I was submitting a budget before Congress. And I would want to show, having just talked about fiscal responsibility, that I was committed to fiscal responsibility. But, unfortunately, we have a budget that makes all the wrong decisions because it is fiscally irresponsible, it does have misplaced priorities, it does move in the wrong direction as far as increasing the deficit at a time when we already have a record debt, but it cuts programs like Medicare and Medicaid.

This is at a time when more and more Americans are struggling to afford health care, especially senior citizens. And to propose a budget that cuts Medicare by $556 billion over a 10-year period, at the same time freezing payments to hospitals, to nursing homes, to hospices, to home health agencies, it just doesn't make any sense because health care costs aren't going to stop. Health care costs have been going up above the rate of inflation every year for as far as anyone can remember.

□ 2100

The technology that's used for health care, the increase in the amount of baby boomers that are qualifying for the Medicare program for the first time this year, in 2008. The costs of Medicare are exploding. So to just say we are going to cut Medicare over the next 10 years by $556 billion doesn't mean health care is going to be less expensive, fewer people are going to qualify for Medicare, and fewer people are going to use the program. And certainly it doesn't mean that home health agencies, hospices, and hospitals are going to have fewer expenses just because we are going to be reimbursing them.

Mr. MURPHY of Connecticut. Will the gentleman yield?

Mr. ALTMIRE. I would.

Mr. MURPHY of Connecticut. Let's hammer that home in a real world way for people. What does it mean when the President's budget reduces payments to nursing homes? In Connecticut, we have had a real crisis with a particular nursing home group that has gotten a lot of attention in the paper, Mr. ALTMIRE, in the last several months regarding some really inexcusable conditions in those nursing homes, low levels of staffing, no remediation when violations had been found. And that problem is not going to get better if the solution from the Federal Government is to cut the funding that goes to those nursing homes. These nursing homes are already stretched very thin. There already isn't enough staff to cover the residents and make sure that seniors that are staying there are living under safe and humane conditions at all times in some places.

This cut that the President is talking about in the cut and reimbursement rates to nursing homes is going to have a direct effect on the care that many thousands, hundreds of thousands of seniors get in this country. Your loved ones, your neighbors, their care is going to be compromised by this.

The safety of your community is potentially going to be compromised by a zeroing out of the COPS budget. Communities will be less safe because there will be fewer community police on the beat. Those are the real world consequences of the budget that the President is putting before us.

And the question is just a matter of choices. And that's what I hope that every Member of this House goes out and endeavors to ask over the next month or so as we debate this Bush budget, which is are you sure that your community wants to spend another $70 billion in Iraq rather than put cops on the beat or put staff in your grandmother's nursing home? Are you sure that the constituents in your district want to give away another massive tax break to the richest 1 percent of Americans instead of putting cops on the beat or putting staff in your grandmother's nursing home? Those are the questions that people are going to have to ask. And I think, Mr. ALTMIRE, there's only one answer to that in any district in this country whether you are represented by a Republican or a Democrat.

Mr. ALTMIRE. And the gentleman knows that there are three legs to this stool that we are talking about. One is the increase in spending leading to the deficit. One is the misplaced priorities of the cuts to programs that are critically important. The third is what's left out of this budget that we all know we have to deal with, and I'm going to save that discussion for a little bit later as we walk through some of these programs. But the full cost of the Iraq war and the cost of the alternative minimum tax relief for this year are not included in this budget. So a $407 billion deficit without even including probably the two largest items that we are going to have to face in the next year, we'll get to that point, but there are a lot of issues here.

When I talk to people when I go back home in the district, I hear a lot about

entitlement spending, and when I go home, I think I can make a pretty good case that Medicare is important and we shouldn't be cutting Medicare at a time when the number of people qualifying for Medicare is rising exponentially and health care costs are going up. I can make a pretty good case, I think, for that. But I will still hear people say, You know what? I'm not on Medicare. That's an entitlement program. I don't care about that. Cut it. It's a boondoggle. Just cut it. I do hear people say that. They're wrong, but they say it. Well, there are some things in this budget that nobody, nobody in their right mind could justify freezes or cuts in these types of programs. And maybe our colleagues are out there and they say, Show me. What are you talking about? What is in the budget that we shouldn't cut?

Well, how about research, health care research through the National Institutes of Health? I think that's something that affects everybody. If you're not directly affected by health care research, you certainly have somebody in your family or you have somebody, a loved one or a friend, that is affected. And let's talk about the type of research that we are talking about.

This budget freezes funding for lifesaving medical research at the NIH, National Institutes of Health, regarding diseases such as Alzheimer's, Parkinson's, cancer, and heart disease. At a time when our medical technology in this country is greater than anywhere else in the world and our research and our ability to find treatments and cures for these diseases exceeds any time in the history of the planet, we are going to cut funding for medical research for Alzheimer's, Parkinson's, cancer, and heart disease? I think, Mr. MURPHY, that we make a pretty good case that that's not a cut that should happen.

This budget also slashes funding, and this is inexcusable, slashes funding by $433 million, 7 percent of the overall budget for the Centers for Disease Control and Prevention, responsible for infectious disease control, prevention programs, and health promotion. So we hear a lot about the avian flu, the bird flu, the possibility of a pandemic through diseases, whether it be a terroristic issue or just something we can't control on the health side. That may be the number one public health threat facing the country right now, the possibility of a pandemic flu, a worldwide spread of some disease, and we're going to take this opportunity to cut the Centers for Disease Control specifically for infectious diseases by 7 percent? That's what we are going to cut in this budget when we are adding $407 billion to the national debt for 1 year? I think it's inexcusable. So I really don't think there is anybody that I am going to run into in my district that's going to say that's a good idea.

Mr. MURPHY of Connecticut. I just want to share a story with you, if you will yield, Mr. ALTMIRE. I was getting on a plane this morning to come down to Washington from my district, and an older gentleman recognized me as I was going through the security checkpoint. And he stopped me, and he said, I have written you a letter. I've got a real problem with what you're doing down there. And I said, Talk to me about it.

And he looked me in the eye and started to tear up a little bit, and he said, My wife died of cancer last year. And he said, I can't for the life of me understand why you guys, and he lumped us all together, and I tried to explain the differences a little bit to him, but it was a very emotional moment. He said, I can't understand how you guys are cutting the funding for the programs that might save the life of the next wife who has cancer and instead you're spending money, billions of dollars, overseas on a war that's making us less safe. And he was tearing up.

I mean, this is a personal and emotional issue for so many people in this country, as it should be, because they know. They read about the advances that are being made in science. Whether it be stem cell research or the thousands of other lines of inquiry that are making progress every day in this country, they know that it could be their loved one's disease whose cure or treatment is right around the corner. This should be a personal issue to everyone in this Chamber, and everyone should have to answer that question that you posed as to how on Earth we can pass a budget that freezes medical research that is going to cure diseases and make people better just in order to balloon a deficit, just in order to fund a war, just in order to fund massive tax cuts for the wealthy. The priorities are just so screwed up, and any person in this world can tell a story of a loved one who would be hurt by those cuts.

Mr. ALTMIRE. Absolutely. And I thank the gentleman for that story. And I've had similar circumstances in my district where people wonder why we are cutting Alzheimer's funding, where they have a loved one who has struggled with that disease.

I also want to talk about education and what this budget does for education. I think just about anyone should agree that's a national priority. Few things in the budget are more important than education. Well, what does this budget do?

This budget freezes education funding, which results in cuts in real terms. And instead of investing in innovation in the classroom, the budget eliminates, eliminates, the $267 million program providing grants to States for classroom technology. It freezes the $179 million mathematics and science partnerships. At a time when we're struggling to compete in the global economy with countries like China and others that are investing heavily in science education, we are cutting it. At least the President is proposing cutting it in his budget.

It freezes targeted improvement and achievement in math and science programs that do that. And instead of making college more affordable, the budget eliminates, completely eliminates, supplemental education opportunity grants; the Perkins loan program, one of the staples of student assistance for higher education in this country, eliminates; and the Leveraging Education Assistance Partnership program, the LEAP program, which many of my colleagues know is necessary to provide financial support specifically targeted to needy students who otherwise wouldn't have the opportunity to pursue a higher education. These are the programs that are being eliminated under this budget. Not frozen, not cut, but eliminated.

Mr. MURPHY of Connecticut. At the very time, Mr. ALTMIRE, where our country is most in need of a skilled workforce. I mean you know it, because you do the same tours that I do to manufacturing facilities and worksites, that every company in our district is screaming to us, Do something about the workforce. I can hire people if you make sure that they are trained and educated and ready to work on day one. And so as we're sort of seeing a massive slowdown in this economy, potentially on the way to a recession, this is the very worst time to be cutting back our commitment to higher education programs, to worker and job training programs. And it runs totally counter to what we have been doing here in this Congress.

I mean, we need to remind the President that he signed into law the biggest expansion in college aid since the GI bill, increasing the maximum allowable Pell grant, the direct grant to students by $500, providing for loan forgiveness to potentially tens or hundreds of thousands of students who go into public service professions; and, most importantly, cutting the interest rate for student loans in half from 6.8 to 3.4 percent, which is going to save the average college student in Connecticut about $4,000 over the lifetime of the repayment of their loan. That's real dollars when you couple it together with the other benefits that that package had.

And that was a bipartisan success. That was conceived by Democrats. It took Democrats taking control of Congress to put that on the agenda. But there were a lot of our friends on the Republican side of the aisle that voted for it, and there was a President, maybe reluctantly, because he changed his position over time, but there was a President that signed that.

So we have come together as a Congress to recognize the importance of helping kids and helping families pay for the increasing cost of higher education, and we should especially recognize the importance of that when our economy is having trouble getting its engine going. That's when we should be investing in workers. That's when we should be investing in education. And

as you have so ably and accurately outlined, Mr. ALTMIRE, this President's budget does an immediate 180 degree turn on the investments that we have been making and should continue to make in higher education.

Mr. ALTMIRE. And the gentleman from Connecticut represents a district in some ways that is similar to my district. We both have a manufacturing base that has suffered in recent years as a result of the global economy and a variety of factors. And as the gentleman said, at the very time when we should be finding ways to help people that have suffered as a result of these job losses and a loss of manufacturing, find new job training sources, find educational opportunities for our kids so they can stay in our communities instead of having to leave town, a problem that we are struggling with, I think, probably in both of our districts, the President uses this budget as an opportunity to eliminate, not freeze, not cut, but eliminate vocational education.

And he slashes the Safe and Drug-Free Schools program by 45 percent; afterschool programs by 26 percent; teacher quality State grants by $100 million, which helps incentivize high quality people to go into the teaching profession, people who have other options, who could become doctors or lawyers or chemists or any other profession. We want to incentivize the best and brightest in this country to go into teaching to educate our kids, and everyone knows the importance of what goes along with that. Well, the President proposes cutting the budget by $100 million for that program.

And, similarly, the gentleman from Connecticut talked about the fact that middle-class workers are seeing their wages stagnate and American jobs have been lost, 17,000 lost jobs just last month. And at this time when we should be finding ways to stimulate the economy and create jobs, instead, the President's budget slashes $234 million for job training programs.

□ 2115

Again, not to repeat myself, but it is worth pointing out, in an atmosphere of a budget that creates $407 billion in deficit spending, out of balance, and that slashes employment services more than $500 million in cuts for Americans looking for work. These are people who are motivated, who want to find jobs, who are looking for work, and he eliminates grants to States to provide employment services for job seekers and employers cutting one-stop career centers. These are all programs that my constituents benefit from that get heavily used in western Pennsylvania. We have had manufacturing losses, and we are trying to find ways to retrain those workers so they can move into other careers, educate themselves so they can stay in western Pennsylvania, and what are we doing? The President is proposing cutting these job training programs. It is just inexcusable.

Mr. MURPHY of Connecticut. It doesn't make sense. It wouldn't make sense even in good economic times, Mr. ALTMIRE, because you know even in the so-called boom years of the 1990s and earlier in this decade, those jobs were still leaving Pennsylvania. Those jobs were still leaving the northwestern part of Connecticut. And you always need to have just that safety net, just enough help for people to bounce back, because the folks that live in our districts, as they do across the Nation, these are proud, proud people. They want a job. They want to work hard. They do not want to be out of work. They do not want to be undertrained. And they are going to take the opportunities that we give them just to be able to bounce back and reenter the economy. That is all we are talking about with these programs. This isn't permanent job assistance. This isn't the welfare state. This is just, listen, your company went out of business, shipped their jobs over to China, shipped their jobs down to Mexico. We're going to help you for a certain period of time learn a new skill so you can get back and be a productive member of society. That is an important project to undertake in any economic time but most critical now when more and more people need that help, Mr. ALTMIRE, that is critical right now.

Mr. ALTMIRE. And the gentleman knows there is another thing that our regions in the country share and that is that we have harsh winters. We have been known to have harsh winters. And another thing that gets cut in this budget inexcusably is home heating assistance. And with regard to energy generally, we have a time where we have all time record energy prices. Families across the country are struggling with finding a way to pay their bills directly related to the price of oil and gas.

And at that time, you would think that the President would view that as a priority in his budget. But instead, it severely cuts assistance to seniors and to families with children in paying their home heating bills through the LIHEAP program, Low-Income Home Energy Assistance Program, very important in my area in western Pennsylvania. He cuts it by $570 million nationwide, $19 million of which comes from the State of Pennsylvania. And this is going to force States to reduce the number of households getting help through the LIHEAP program nationwide by 1.2 million people. These are low-income families with children. These are senior citizens that simply don't have the financial ability to pay their heating costs, and we are going to knock, with this budget, 1.2 million of them off the rolls.

Mr. MURPHY of Connecticut. Let's view this through a broader prism, and I think if you do, you see that this cut, in particular, is even crueler because we were set up for this moment. I mean, this has been 7 years of an energy policy which has been designed to do only one thing, a cynic might say, put more money into the hands of the big international oil companies, run by a lot of the friends of the folks that are in this administration. We have had an energy policy which has done nothing, has done nothing, essentially, to decrease the amount that people are paying to gas up their car or heat their homes. We have profits of record magnitudes coming from ExxonMobil and Chevron and BP and all of these major multinational oil conglomerates. We have had a Federal policy, led by this President and probably more accurately led by this Vice President, Vice President CHENEY in his secret, closed-door meetings that have constructed most of this energy policy, that have stolen millions of dollars from American consumers with the tax breaks and regulatory giveaways to the oil industry that have allowed them to continue with no abandon to rip off American consumers. The LIHEAP program is just an added insult to an energy policy which has been taking money out of American taxpayers' pockets and putting it into the oil companies' treasuries.

The LIHEAP program simply says this, this has been the policy of this administration and the Republican Congress for the last 8 years, for the last 6 years, they have said, we're going to do nothing to help you with prices, we're just going to continue to watch energy prices spiral and spiral and spiral and have no short-term or long-term strategy to do anything about it. But on the back end, we're going to help you a little bit with some subsidy dollars for the people in your community that are so hard up they are going to need some help to pay those bills or else they would freeze in their houses, which is what you're talking about. You're talking about people who would potentially freeze in their houses if they don't get a little bit of help from their government to pay for their heating oil bills, largely seniors on fixed incomes in our community. And now not only do we have an administration that is not willing to work with us on reforming our energy policy to break our addiction to foreign-produced oil, to finally get a grip on these spiraling oil prices because we have got an administration that cares more about the pockets of their oil company friends than the pockets of the regular, average, everyday consumers, now also we are taking away that small, tiny little subsidy that prevents people from freezing in their homes because they can't afford to heat it.

When you step back a little bit, when you are right in that budget, everybody here should make it one of their top priorities, whether you live in a cold weather State or a warm weather State, to put the money back for the LIHEAP program. Put the money back for the heating assistance for low-income people. But let's also understand that it is even more egregious given

the fact that we could have done something 10 years ago, 5 years ago, to prevent ourselves from getting into a position where we are continuing to subsidize these big energy companies and have to be reliant on low-income heating assistance to keep people warm in the winters.

Mr. ALTMIRE. I think this is exactly why it is important to have this discussion, to walk through these programs in the budget and talk about what exactly are we talking about when we talk about these draconian cuts that we are facing? And as I said earlier, I have people in my district that say, cut it, cut it, Federal spending, we need to cut it. And we do have an enormous deficit. We have an all time record debt, and we do need to find a way to reduce the Federal deficit. Nobody can disagree with that.

Mr. MURPHY of Connecticut. Just to make one point there, the Democratic budget that we passed last year balances the Federal budget in 5 years. For the first time since the Clinton administration, we are going to have a balanced Federal budget. This isn't pie-in-the-sky rhetoric that you are putting out there, Mr. ALTMIRE. The Democratic budget found a way that we passed at the end of last year to invest money in education, in environmental protection, in health care and do it in a responsible way that provides for a balanced budget in 5 years. There is a way to do it, and we are finding it here. We can do it again.

Mr. ALTMIRE. That is exactly where I was going to go. I thank the gentleman for his comments.

Mr. MURPHY of Connecticut. I'm in your head, Mr. ALTMIRE.

Mr. ALTMIRE. I appreciate that. The fact is the Democrats in this Congress have made the tough decisions. We submitted a budget last year, and I am sure we will do so again this year that achieves balance for the first time since the previous administration. Nobody can disagree that there is room for more cuts. There is room for more reductions. But what we want to do here tonight in this 30–Something Special Order is to talk about the programs that shouldn't be cut, the programs that are critically important to this country that the President has made a decision to reduce.

We talked about Medicare. We talked about life-saving medical research. We talked about the Centers for Disease Control, infectious disease prevention. We talked about education. We talked about the LIHEAP program, home heating energy assistance, and unfortunately the list doesn't end there. It is incredible to think that at a time when we are facing a recession in this country driven by a lot of different factors, but nobody can dispute perhaps the number one driving factor over the past several months and maybe the past few years has been this subprime mortgage issue and home foreclosures and people struggling to afford their mortgages, finding a way to make that monthly payment. Despite the growing problems in the subprime mortgage crisis, inexplicably this budget that we are talking about tonight cuts loan counseling for those at risk of losing their homes. The name of the program is the Neighborhood Reinvestment Corporation. It cuts it by 87 percent, at a time when we are struggling as a Nation with a subprime crisis that the world has never seen before, or at least America has never seen before. At a time when the crisis is at its most acute point, we are going to cut by 87 percent the program that helps those most at risk, 2 million people in this country at risk of losing their homes. The people most at risk of losing their homes are facing an 87 percent cut. It is ludicrous.

Mr. MURPHY of Connecticut. I know we have our freshman colleagues coming in after us, so we are going to give them some room here.

But I want to turn for a few minutes to a subject that you alluded to earlier, and I know you may have some more areas here in which we want to talk about what the devastating cuts are going to do, but I want to talk for a second before we hand it off to some of our other freshman colleagues about what is not in the budget, and you alluded to it before, most importantly, the cost of the war isn't truly reflected in this budget.

In fact, some staff members on the Republican side made a comment earlier today that they even admit that the $70 billion that is put in this budget is essentially just a downpayment on what we are going to need to perpetuate the costs of this war in Iraq for the rest of the year. And it is just I think becoming impossible for our constituents to really understand why we can't include the costs of this war, whether you agree with it or disagree with it. We will save that for another day. Mr. ALTMIRE, you know where I am on this question. I believe that we should get ourselves out of this mess sooner rather than later in a planned-for way. But while we are there, and while we are still spending money, let's pay for it. Let's budget for it responsibly.

Now, I think you could probably make the argument in the first year or 2 years of this conflict that it was emergency spending, and that there was an argument to be made in the first few years of the war in Iraq and the war in Afghanistan that we were going to need to borrow some money for that. I have no problem understanding that in emergency circumstances, we are going to have to do some deficit spending. Nobody likes that. But with regard to the economic stimulus package that we are passing, it makes sense in very narrow circumstances to borrow some money in order to get some short-term gain when the spending is on an emergency basis. But we are 5 years into this war now, both in Iraq and Afghanistan. It is not catching us by surprise anymore. It is not an emergency expenditure anymore. We can plan years in advance for the money that we are spending on this war. There is no justification for this money not being in the budget. What happens is it is just hidden. When you get these figures about how big the deficit is going to be when we pass the President's budget, which we obviously won't do, but if we were to pass the President's budget, that doesn't even take into account the real costs of this war. If I were a taxpayer out there that was for this war, or if I were a taxpayer out there that was against this war, I would be greatly aggrieved, and I think they are greatly aggrieved by the fact that we are not paying for it. Well, we're going to. We're going to. Because these bills, whether they are on the tab of the war or whether they are on the tab of the domestic programs that haven't been paid for for years, they are going to be paid at some point. Those bills and those promissory notes are going to come due, and they are going to be paid for by your children and my future children, and your future grandchildren and my future grandchildren. We are hamstringing generations to come to pay for the costs of this war, and we should account for it.

The second thing that is not covered, Mr. ALTMIRE, is this thing that we keep on talking about down here called the alternative minimum tax. Now, I know there are still a lot of people out there that don't understand what the alternative minimum tax is because year after year, Congress has done the right thing and has held in abeyance the adjustment to the alternative minimum tax that would essentially make it cover most middle-class taxpayers in this country. In my district in Connecticut we have about 20,000 people that pay the alternative minimum tax that was initially set up just to cover the richest of the rich who weren't paying any tax through deductions or were paying very little tax through deductions and credits.

□ 2130

If we don't fix the Alternative Minimum Tax again this year, in my district it is going to go from like 19,000 people paying it to like 80,000 people paying it. It is going to be a huge problem, thousands of additional dollars in tax obligations for millions of Americans. Well, the President doesn't say anything about that in this budget. I think he just assumes that we are going to fix it again, but he doesn't put the cost of doing that in the budget.

So, if you tack on the costs of the war that aren't in this budget, if you tack on the costs of once again fixing the Alternative Minimum Tax which we should do and put that in the budget, this deficit is enormous, is enormous. I think we should be having a real argument over the real cost of this budget. Through all this sort of gimmickry that we see, all this trickery in how the numbers are accounted for, the

war is not in there, the Alternative Minimum Tax fix isn't in there.

I know this sort of goes over the head of a lot of people out there, because they say this is just the logistics of a budget. This is just numbers, where you put one number, where you put another number. It matters, because you can't hide money that we have to spend. Whether you put it in the budget or out of the budget, if you spend the dollar, somebody is going to have to pay for it. Maybe not now, but in 10 years or 20 years.

Mr. ALTMIRE, part of the reason that the 30–Something Working Group talks so much about deficit spending is because we are going to be around when those bills come due. We have an obligation, I think a special obligation as some of the younger Members of this House, to cry bloody murder when this President tries to do more deficit spending than he is even telling us here, because it is going to be our generation and our kids' generation that are going to have to pay for it.

Mr. ALTMIRE. That is right. The gentleman talked about the assumption in the budget being submitted. Because the gentleman wasn't here when I showed this, I want to show the gentleman, as he knows, what $3.1 trillion looks like. This is what it looks like. This is what the President dropped on your desk and mine on Monday. This is the budget we are talking about. So for our colleagues who are joining us late, this is the budget that we are discussing tonight.

The assumption that was made in putting this budget together by the administration, by President Bush, was that Congress would act on the Alternative Minimum Tax, and, of course, we will. We are not going to allow that to lapse, which would result in an increase for 23 million people in the country, a tax increase, 70,000 in my district, I think the gentleman said 80,000 additional in his district. So, of course, we are going to deal with the AMT.

It is tough. It is a difficult way to have to do policy, to do it year-to-year. It is probably not the best way. We made a tough decision in December, we will make another tough decision at the end of this year, and the President knows we are going are to have to do it and we are going to have to pay for it, because that is what we have to do. It is not included in the cost of this $3.1 trillion budget.

I know we are running short on time, so I did want to just summarize a few of the other programs, saving one in particular for the end that near and dear to my heart, that are cut in this budget. Because, again, people say what are we talking about when you talk about all these cuts?

We talked earlier about the subprime mortgage funding and so forth. How about highway funding? Is there anyone in the country that can disagree that we have a national crisis with infrastructure? We had the unfortunate situation last fall with the bridge collapse in Minnesota which highlighted a problem that many knew but really in a very tragic way shined the spotlight on the incredible need that exists in this country for infrastructure improvement, for bridge repair, for highway repair. We simply do not have anywhere near close to the amount of money necessary to fix the roads and bridges that need fixing right now, let alone all the new construction that needs to take place.

The district that I represent, we are talking about funding for bridges and roads and docks and dams along the riverways. Well, with highway funding in particular, the President's budget unbelievably proposes to cut funding for highways by $800 million below the amount guaranteed by the previous transportation reauthorization bill that we did several years ago.

Every $1 billion in new infrastructure investment creates 47,500 jobs in this country and a shortfall in highway revenue is projected in fiscal year 2009, which is what this budget covers. So we have a projected shortfall, yet the President still recommends a $800 million cut. And at a time when we lost jobs in January, who knows how many jobs we are going to lose in the months ahead as we face what may turn out to be a recession, we are talking about a problem that can create nearly 50,000 jobs for every $1 billion in new investment, and we are going to cut $800 million. It makes no sense.

Homeland security, the gentleman from Connecticut talked about the importance of homeland security, which nobody can dispute, perhaps the number one issue facing the country today. Well, so what does the President's budget do? The calculation of his budget excludes $2.7 billion in border emergency funding from Congress, which was approved in fiscal year 2008. When this is taken into account, the President is only proposing to increase less than $100 million for fiscal year 2009 for homeland security needs for the entire agency.

In addition, the budget slashes funding for State Homeland Security Grant programs, first responders, police, firefighters, EMTs, people right out there on the front lines in our communities, many of them volunteers. This President's budget cuts $750 million, 79 percent below the current year's funding level. For firefighter grants, $450 million, 60 percent below, just for firefighter grants, and 79 percent below for all first responders.

It is incredible that this is the budget that was put before us. Who could possibly argue that that is a good policy decision, to cut funding for first responders by 79 percent?

Mr. MURPHY of Connecticut. This is all sort of hard to take in. As you said, that massive budget document gets dropped on us, and the parade of horrors is endless in terms of all of the commonsense programs, whether it is homeland security, whether it is law enforcement, whether it is health care, whether it is research spending. It is just hard to handle. It is like it gets your brain going in overdrive. Then you got to step back for a second. I think it does make sense to step back and have a little bit of faith that now cooler and calmer heads can prevail.

It used to be when that budget was dropped on Congress' desk in January or February that it basically was the law of the land, that with a few changes here or there, the Republican-led Congress was going to rubber stamp that President's budget.

As much as Mr. MEEK and Mr. RYAN and Ms. WASSERMAN SCHULTZ before we got here would come down and try to expose all of those damaging harmful cuts to middle-class families throughout this country, to people trying to make their way in this world, that it didn't matter, because so long as Republicans controlled this place, there was going to be essentially a rubber stamp on all of those cuts and more massive deficit spending, the most fiscally irresponsible set of Congresses in our lifetime.

That has changed now. That is different. And, listen. We are all fallible. We don't get every single choice right, even on our side of the aisle, Mr. ALTMIRE. But the good news is, is that we are going to find a way to push back most of those cuts, if not all of them. We are going to find a way to pass another budget which gets us a little bit closer to a balanced budget.

Now, the way we do that is sit here and expose all of the very harmful cuts and all the very harmful spending in this President's budget. But the American people should have some faith that you sent a new Democratic Congress here. You sent this new freshman class that we are a part of to pick apart that budget for the first time, and decide not only how to more compassionately spend American taxpayer dollars, but to more smartly spend them so that we are not racking up those huge deficits, so that we are starting to balance budgets again.

So this is all very damaging news, and I know we are probably going to close on some of the worse news in the budget, but I think people should have faith that we now have leadership in charge of this Congress that is going to be able to pull apart that budget and start setting us on a commonsense and compassionate course again.

Mr. ALTMIRE. I thank the gentleman. I am going to talk about the most egregious, in my opinion, of all these cuts. And I know it is hard to believe having walked through them that there could be one in particular to point to. There is one that is particular to my constituents and to something that I support. We are going to turn it over momentarily to our freshman colleague, Mr. YARMUTH from Kentucky, who I am sure is going to talk more about some of these issues.

As Members of Congress, we are all given the opportunity to testify before

the Budget Committee and say here are our priorities. These are the one or two or three at the most things that we care about that we really want to see addressed in the budget.

I was asked over the break that we had in between the first session and the second session during the holidays, somebody came up to me in a shopping center and recognized me and said, hey, you know, how has the first year been? What are your experiences? What are you most proud of?

Without hesitating, for me, what I am most proud of that this Congress did last year was we had the highest funding increase for veterans health care in the 77 year history of the VA. We had to fight tooth and nail. We had to do it over multiple opportunities throughout the year. But in the end, the budget that we passed exceeded even the recommendations of the service organizations. The VFW, the American Legion, the Vietnam Veterans of America, Disabled American Veterans, those organizations every year present to Congress their recommended funding levels for what they feel that they are going to need. For the first time ever, this Congress exceeded that.

So I am very proud of the work that we did as a Congress on veterans. And it was a bipartisan effort. It is something we can be proud to have worked together on.

Well, what does this budget do for veterans, something that I have made my number one priority in this Congress. And I think we as Congress have a good record so far on veterans, and I want to keep that good record going, and I want to prevent the cuts that the President's budget talks about.

It cuts veterans health care by $20 billion over 5 years. Let me repeat that. This budget cuts veterans health care by $20 billion over 5 years and cuts funding for constructing, renovating and rehabilitating medical care facilities in 2009, for which this budget is authorized.

Now, for me, that is very parochial, because I have $200 million of VA health construction going on in Western Pennsylvania, a lot of which is in my district. Two different projects, $200 million. So the President is coming in here at a time when we have the opportunity in Western Pennsylvania to be the preeminent health care system in the entire VA, top notch facilities, he is going to cut the construction funding, and he is going to cut funding even more egregiously for veterans health care by $20 billion.

I am sure the gentleman can agree, there is no group that should stand ahead of our Nation's veterans when it comes time to make funding decisions.

Mr. MURPHY of Connecticut. It just begs the question, Mr. ALTMIRE. What was going through the minds of the Bush administration budget negotiators when they were sitting at the table last year negotiating with us as we were insisting on the biggest increase in veterans funding in the history of the program? I mean, we pushed that and pushed that and pushed that. You were courageous from the very first day that you got here in making that a priority.

It is just so terrible to think that, well, the Bush administration was sitting there finally saying yes to that enormous and important increase in veterans funding, that all the while they were drafting that budget. All the while as they were agreeing just 60 days ago to the biggest increase in veterans funding since the VA program began, they were drafting secretly a budget that was going to reverse everything they just agreed to. That just speaks to the worst of what happens in Washington, D.C., Mr. ALTMIRE.

Mr. ALTMIRE. That is right. I thank the gentleman. We are going to wrap it up as our time has expired. I would only point out on that note that this is the sixth year in a row that this budget raises health care costs on 1.4 million veterans, imposing $5.2 billion in increased copayments on prescription drugs and new enrollment fees on veterans over 10 years. I wish I had more time to talk about that.

At this time I am going to thank the Speaker for the opportunity to address the House this evening with my colleague Mr. MURPHY from Connecticut.

□ 2145

## THE BUDGET AND NATIONAL DEBT

The SPEAKER pro tempore (Mr. ARCURI). Under the Speaker's announced policy of January 18, 2007, the gentleman from Kentucky (Mr. YARMUTH) is recognized for 60 minutes.

Mr. YARMUTH. I want to thank my freshman colleagues for the very insightful and compelling arguments they raised concerning our budget, the budget proposal by the President for the 2009 fiscal year.

Mr. Speaker, I will say that what we are dealing with here is a situation in which those of us who were elected in 2006, freshman Members, so known as the majority makers, came to this Congress because the American people in that election of 2006 thought that the country was going in the wrong direction, and it wasn't so much one thing, I know a lot of people think that we were elected because of the war in Iraq, and certainly that was a factor.

I think more than anything else, the American people collectively decided that the priorities that have been established by the administration that was in office, beginning in 2000, we were taking the country in the wrong direction, that we were spending money, that we were emphasizing things that did not represent the best interests of the majority of the American people. They sent us here, therefore, to set a new pattern of doing business, a new way of setting priorities.

They wanted us to put the American people first. They wanted us to recognize the true needs of this society, to recognize that government is a way of reorganizing and organizing our responsibilities to each other, that we could, as a government, actually create an economy that worked for everyone and not just for a very few, but that we could, again, set the country on a different direction, that we could use the tax revenues that were flowing to the Treasury to empower all people to make the best of their lives, to contribute to a more dynamic society. We really have set a different direction in this Congress, and I think we need to do much more.

But let's think back to 2006 and think about what the American people were confronted with when they looked at Washington. They looked at Washington and they said, we have a government there that is arrogant, that tends to favor the richest people in the country, that tends to favor global corporations, that thinks that if we allow the wealthiest and most powerful people to do as well as they possibly can financially, that there will be a trickle-down effect and it will, quote-unquote, float everyone's boat, and that this is what the proper role of government should be.

The American people said, no, we don't buy that. We've tried that. We tried it under the Reagan administration. We saw then that trickle-down economics does not work. We tried that for a few more years under the Bush administration. We found that, no, that doesn't work because, in fact, what we have seen is that from 2001 to 2006, 100 percent of the income growth in this country accrued to the benefit of the top 5 percent of the population, that, in fact, 95 percent of the people in this country did not see their standard of living increase despite the fact that they are working harder, they are working longer.

The average family has been working, the average household, 95 hours a week. That's two people working more than full time and still not getting ahead. So the American people said to us, we want to go in a different direction. We think that government can be a tool for progress, it can be a tool to create a society that distributes its benefits more broadly, and that we ought to take the position that rather than trying to let this trickle-down theory flow to everybody's boat that we ought to make a society in which everybody has a really good boat, and that everybody can swim on their own. In fact, the way to create a society that truly works over the long term is to empower every individual to be productive, to contribute to society and to have the power and the freedom and the support to improve his or her way of life.

Now we are confronted, once again, with a budget from the President of the United States which does exactly the same thing that they have been trying over and over and over again with very

little success. We have a budget, deceitful in many ways because it pretends to reach a budgetary balance when it really doesn't, and they do it by very deceitful mechanisms, but it sets the wrong priorities.

It takes the money away from programs and policies that actually do empower individuals to improve their lives, to make a better society, to make a stronger economy, and it sends the money once again to basically nonproductive activities. We have, once again, a budget that minimizes and disguises the cost of our involvement in Iraq and Afghanistan. Many of us differ very strenuously on our priorities in Iraq and Afghanistan.

We all understand that we have some serious problems in Afghanistan, and we need to focus there. We also understand that we are spending $3 billion a week in Iraq, most of which we will never see. It never represents any investment in our future. It is money that is down the drain.

When you try to compare the benefits of our tax dollars being spent again to promote a vibrant and healthy economy and to help people who need to get their feet on the ground to become productive citizens versus spending money overseas in ways that do nothing to enhance our own standard of living, that we know we have a skewed sense of priorities.

That's what we are going to talk about for the next few minutes, and I am very proud to be here with one of my freshman colleagues, someone who is passionate about the need for this country to work for everyone, someone who is as passionate about working for working families as anyone in this Congress, JOHN HALL from New York.

I am proud to be his colleague, and I would like to recognize Congressman HALL to further this discussion.

Mr. HALL of New York. Thank you, Congressman. It's my pleasure to join you tonight.

I wish I had as much pleasure looking at the budget the President submitted as I do discussing it with you, and all of us, of course, earlier this week received a copy of the President's budget. Like all of us, I was disappointed by the questionable accounting and fiscal irresponsibilities contained within this budget. I wish I could say I was surprised, but unfortunately it represents the same missed opportunities and misplaced priorities that have highlighted this administration.

First of all, I would have to say for a President and an administration that claimed to be fiscally responsible and who constantly accuse Democrats of being fiscally irresponsible, it's really shocking and deserving of mention that this President, George W. Bush, has been responsible, his administration, responsible for the five biggest deficits in American history. Here they are. We all remember, of course, at the end of the 1990s when President Bush took over from President Clinton that we had a surplus, and we were, in fact, paying down some of the national debt for a change.

But due to his tax policies and his overspending and his penchant for borrowing, our President and his administration have run up, in 2003, a deficit of $378 billion; in 2004, a deficit of $413 billion; in 2005, $318 billion; 2008 actually is the next figure here, $410 billion; and for 2009 is a projected $407 billion budget.

We can't keep this up. Any family knows that they can't keep spending. In fact, too many families are finding this out, that the chickens eventually come home to roost. I, as a former school board president and school board trustee who had to balance the budget every year know that you can't go on spending more money than you take in without some kind of disaster befalling you.

Unfortunately, what's happening in terms of the value of the dollar, in terms of our exporting jobs, in terms of foreign interests buying up pieces of the United States or corporations or infrastructure in the United States, in terms of our weakened markets, and volatile and declining markets, all these things have to do with the basic foundation, the underpinning of our country being massive debt.

The other thing about the President's budget that I was surprised to see and disappointed to see, it does nothing to fix the alternative minimum tax, or the AMT, a tax which was originally designed, when it first took effect in 1970, to affect only 155 households, the most wealthy, the most affluent households in America who were using tax loopholes to avoid paying any tax at all. Congress wrote, in the late 1960s, this bill which the AMT took effect in 1970, to hit the very top of the most wealthy people in the country.

Now because it was never indexed to inflation, it was never given a cost-of-living increase, it was never allowed to float as the cost of living and the average salaries and income in the country changed, that AMT has dipped every year deeper and deeper and deeper into the American tax-paying public and dramatically increasing the tax rate paid by millions of middle-class families who were never intended to be hit by the AMT, over 20 million of whom will be forced to pay it next year.

Without a permanent fix, half of all taxpayers in this country will pay this AMT that was originally designed to hit 155 of the wealthiest households in the country.

But the President does nothing to stop this. Instead, he calls for more than $1 trillion in tax cuts for the top 1 percent of all Americans.

Once again, we have 5 years in a row of record increases in the poverty rate, we have record increases in personal debt, we have record increases in national debt, we have record increases in our balance of trade deficit. Strangely enough, at the same time, I read in the paper that ExxonMobil has declared 40 point some billion dollars in profit, the largest single yearly corporate profit in the history of the world, breaking the previous record which was held by ExxonMobil themselves.

Some people in this economy and in this current fiscal and business financial scheme are doing very, very, very well and will continue to do very well. There are others, mainly the middle class and lower income Americans, who are being squeezed from all sides. Believe me, they are not being squeezed up, they are being squeezed down.

The middle class is having their options and their opportunities cut, whether it's the cost of sending their children to college, whether it's being the cost of purchasing health care for their families, the cost of property or property tax, the cost of fuel for their cars or for their homes. I mean, even the fact that the President in this budget slashed the low-income heating assistance program, LIHEAP, is scandalous.

At a time when we have families and seniors who are struggling to heat their homes in the northern parts of this country, I wouldn't have expected the President, a so-called compassionate conservative, to be so discompassionate as to cut heating assistance for low-income people in this current climate of economic uncertainty and astronomical fuel costs.

I would just say that I am happy to be here to discuss this, and, more importantly, to talk about how we are going to move to a real budget, not a fake budget that's based on some platitudes and some kind of ideological belief, some faith-based budgeting that has nothing to do with reality and nothing to do with the well-being of the American people.

Mr. YARMUTH. I want to thank my colleague.

He referenced the annual profit of ExxonMobil that was reported last week. And I was struck last week on February 1, when I looked at The New York Times on the online version, the list of the headlines of the day, and I thought it was striking because I think it painted a vivid picture of where we are in this world and in this country. The first story was, ''Microsoft Bids $44.6 Billion for Yahoo,'' a lot of money, two corporations vying for each other.

The next story, ''U.S. Economy Unexpectedly Sheds 17,000 Jobs,'' the worst jobs report in several years. Then, ''Dozens Killed in Worst Baghdad Attack in Months,'' then ''Kurds' Power Wanes as Arab Anger Rises'' and, then, finally, ''ExxonMobil Profit Sets Record Again.''

I think that was just an incredibly vivid picture of where we are in this world and where this economy stands and how out of whack the priorities of this administration have become. That's why I am so thankful that we are, at least, in control of this House of the Congress so that we can help to set the priorities of this country on a much more sound course.

I know that I have had so many opportunities to stand on this floor and discuss these issues with my colleague from Florida (Mr. KLEIN). I am proud to recognize him now.

Mr. KLEIN of Florida. I thank the gentleman from Kentucky and the gentleman from New York. I certainly agree with all the statements you have made and would just share a few of my own thoughts on the budget.

A budget is a statement of our values, as Americans, collectively. We are not Democrats, we are not Republicans, we are not independents, we are Americans. We all are putting a lot of money, hard-earned money into the government. The question is what's going to be done with it. What is the best value that can be used to help people achieve a better life, help our economy, help job creation and all those things that are important to our communities.

□ 2200

The biggest concern that I have with the budget that is being proposed by the administration is to me it is more of missed opportunities. We know that we have a difficult economy right now. Certainly in Florida where we have had tremendous growth over the last number of years, all of a sudden things have stopped. The real estate market and all of the various businesses that are affected, and homeowners that are affected by a real estate market that has slowed to a standstill, we need to help people through the foreclosures and various other things. But what does this budget do, something that all of us said we were going to change.

In this body we have PAYGO, pay as you go. We can only pass legislation that is paid for in advance. My two friends here are fiscal hawks. We believe in a deficit that has to be brought down and a balanced budget. That is the way we live our personal lives. In the State legislature, we had balanced budgets. That is the way you run your business.

What does this budget do? First of all, it is over $3 trillion. The amount of money going into the Federal Government is extraordinary from an administration that said they wanted smaller government and less spending.

Put that issue aside for a second, this continues the budget deficit and increases it by another $400 billion. This is after, as the gentleman from New York said, this does not stop the biggest tax increase, the alternative minimum tax, which we tried to fix. We had a very good way of fixing it this year, and the President refused. Some people on the other side of the aisle in the Senate refused to do it. It has to be fixed.

The President in his proposal cuts Medicare and Medicaid. I don't know about you; I am sure you are hearing the same thing I'm hearing. Our doctors, our hospitals, our providers, they are taking care of our Medicare population in our communities, and they are feeling it. They have been cut and cut and cut, and it is not keeping up with the cost of operating a practice. We know that they need to receive fair compensation. That is unacceptable. I don't think that is something that this Congress is going to support. So again, an assumption that doesn't have any bearing on where things are going.

The President, who has been a big supporter of the Iraq war, as we know, and has continued to ask for more and more money, hundreds of billions of dollars, interestingly enough, in this budget sets it up for $70 billion of additional expenditures only through January 20. Now, what is January 20? That is Inauguration Day of a new President, whoever that may be.

But boy, is that an unrealistic way of looking at it, particularly after he has been criticizing Members of Congress saying that you can't put a date at the end of funding because you are going to cut off our troops, cut off funding of the bullets and all of the necessary support, which we are not prepared to do, but he is doing.

He is saying on January 20, if you pass this budget, there is no more money after that date to fund the Iraq war, not because he doesn't want to fund the Iraq war, but that is how he is creating a smaller amount of a big deficit. Instead of $400 billion, it would be $500 billion or something like that.

So the question is what can we do, because I think there are a whole lot of assumptions here that are incorrect.

I have a chart here that I have talked about before, and I think this is totally unacceptable. The lack of fiscal discipline of this administration over the last 6 or 7 years has resulted in increasing debt to an unacceptable amount in terms of us bringing our budget in line.

So, although the financing of the war, which has been off the books, the financing of all of these various things that the President wanted to fund, instead of cutting spending or being a little more fiscally responsible, we have been borrowing, and borrowing from foreign investors. Those are foreign countries. We are a debtor country to China and Mexico, and the list goes on and on.

Under this administration, in trillions of dollars we are talking about, in 2001 the amount of foreign-held Treasury securities was $1 trillion. That is a massive amount of money. In the last 6 years, it has now doubled to $2.3 trillion. Just to put it in perspective, the amount of interest that we are paying this year, strictly interest, not principal, not amortizing of the principal and interest together, just interest is over $300 billion. To me, that is money we are just flushing down the drain.

If there was some fiscal discipline like the House leadership has been pushing, we could take that money and do a number of things. We could take care of Americans first. How about all of us, whether it is health care, job creation, job training, so many infrastructure issues in our communities; these are the issue of our day.

And instead of sending that money overseas to pay interest, not even principal, that is $300 billion that is being thrown out the door offshore to some other country because we don't have the wherewithal, as we do in this House, because the President hasn't been willing to work with us in bringing this budget in line.

Mr. Speaker, there are many Republicans as well, but certainly the Democrats have stood together on this, and we welcome everyone as Americans to focus on this together. We have to get the budget in line. The budget that is being proposed by the President right now is something that is relying on a lot of unrealistic assumptions that will never pass because the American people don't want them to be cut, whether Medicare and a number of other things, and we have to find a way to get the budget deficit under control. That is essential. We can't mortgage the future of our country. We cannot allow our children to have to pay and our grandchildren to have to pay for something that this generation wasn't prepared to stand up and say, Yes, we can live within our means. Yes, we can have a strong economy and fight wars when necessary. And yes, we will take care of Americans when there are natural disasters, and it can all be done under a fiscally responsible way, and that has not been the record of this administration. We are going to work hard in a bipartisan way to get this under control.

I appreciate the fact that the gentleman from Kentucky brought this to us, and I look forward to working with him and the gentleman from New York on fixing this problem.

Mr. YARMUTH. One of the things that is most disturbing to all of us is when you hear deceitful discussion of the financial situation of this country. We sat and listened to the State of the Union address in which the President said if we were to not renew the tax cuts that went into effect in 2001 and 2003, that the average tax increase for an American would be something like $1,200 a year. That is a very clever way of saying what the average tax increase would be. The problem is that the average tax increase would be very large because you are taking all of the people who are making a million, $5 million, $10 million a year, and if we reinstituted those tax rates prior to 2001, the 39.6 percent tax rate, some people at the very highest level would pay $40,000, $80,000, $100,000, $2 million a year more in taxes. So when you average that with the normal taxpayer, yes, it comes to about $1,200 a year.

If you phrased it another way, and that would be the average American taxpayer would have his or her taxes increased by, it wouldn't be $1,200, it would be like $40 or $50, because the average American working family earns $55,000 a year. And that family, if we did not extend the Bush tax cuts, would see their taxes raised by a very small amount. The people at the higher end would pay a lot more taxes. So the average tax increase, yes, it would be a

lot, but the average taxpayer would not see his or her taxes increased. Of course, we are not proposing that in any event.

We have been talking that when we do revisit those tax cuts that we look at the highest income levels. But the point is, when we are getting all of these projections from the administration about what would happen in future years, as my colleague said, if we fix the alternative minimum tax and don't pay for it, and we don't have that additional revenue, yes, we can underestimate the deficit that we will be experiencing during those times. We can make the projections look good 4, 5 years out into the future, but that will not be the case.

One of the things I would like to talk about because Mr. KLEIN mentioned this, the cost of interest on the national debt, which has increased by an extraordinary amount. According to this budget, it would be $4 trillion just since 2001; $4 trillion based on a $5.7 trillion starting point. So we basically have almost doubled the national debt, the entire history, 220 years of this Nation, we have almost doubled the national debt just in the last few years.

But here is where we really get a vivid depiction of what this means. We are talking about interest on the national debt of $300 billion a year. The entire expenditure on education from the Federal budget is $100 billion a year. Veterans care is less than that, and homeland security even less than that. This is what has happened to the priorities in our budget because of the irresponsibility of this government over the last 7 years.

So this is what we are talking about. This is what we are confronting, and this is why I think all of us in the majority party in the Congress say we need to speak honestly, openly, and intelligently about what confronts us, about the challenges that we face, but also about what has happened over the last few years.

All we ask of the administration is be honest about what you are saying, what you are telling the American people. We will have a legitimate debate with you and discussion about where our priorities should be. But first and foremost, we need to be talking about things in absolute terms and be honest and transparent as we discuss how we are going to spend the taxpayers' dollars.

I am also proud to be joined tonight by the gentleman from Minnesota (Mr. WALZ), the president of our freshman class and a great spokesman for the working families of America.

Mr. WALZ of Minnesota. Mr. Speaker, I had an opportunity to be at home and watch some of our colleagues speaking on this earlier. I think last night I saw in my State of Minnesota where we had caucuses, and we had four times the record number of people turning out. The American people are starting to listen. They start to understand the consequences of what we have been living under, and I think all of what has been highlighted has been spectacular.

I will also say that each of us who have read this budget have no problem being up here late at night because it is hard to sleep after you see it. Each of you have highlighted critical issues and the things that we are getting done and prioritizing.

The idea of government is the collective will that we can do together, and our job is to prioritize the things that this country needs to do. I think Mr. YARMUTH's chart that he just showed shows that this Nation under this President has not prioritized. This President has set out an agenda that told us we could have something for nothing. He told us we can give tax cuts, and I appreciate you clearly illustrating the President's creative use of facts and statistics which he quite often does to theatrical effect but to huge detriment to this Nation.

I want to talk about this for a couple of minutes. We have done a wonderful job of highlighting the overall principles. I want to talk about how this impacts individuals. I want to talk about the idea of fiscal discipline and the incredibly shortsightedness of this administration, even in cases where they may be able to cut something to save a little bit, the incredible cost not just in the suffering and what it is doing to the Nation, that aside, what it is doing in terms of just plain poor financial decisions.

In my southern Minnesota district, which stretches from the plains of South Dakota over to the Mississippi River, and Minnesota as the Land of 10,000 Lakes is very diverse. The southwest corner of my State that borders Iowa and South Dakota was the place where the glaciers never reached, and it is one of the few places where you don't find a lot of the prairie potholes and lakes, and the shortage of water is important and on people's minds. This is the area of Laura Ingalls Wilder's ''Little House on the Prairie.'' This is the land where people want to raise their children. We have prosperous communities that are incredibly diverse that are leading the Nation in things like biofuel production. We are the fifth leading district in wind production. These are innovative people, but the one thing that they are missing and what makes life so difficult is the lack of drinking water.

We have places where people are living in 2008 where they have cisterns to collect water in order to drink good water. Well, these communities got together in Iowa, South Dakota, and Minnesota and they came together with a creative solution. They were going to use, where the abundance of water was along the Missouri River in South Dakota, they were going to use the engineering skill of this Nation to provide drinking water and the lifeblood of communities for 300,000 people in a bipartisan manner.

□ 2215

They got together and they started doing this. It is incredibly important. In fact, it was so important that in 2001, on White House stationery that I might have, President Bush himself went to South Dakota and said, a priority is to work with States on important development projects, and the Lewis and Clark rural water project is a project that will be in my budget, and something that we can work on together.

Well, it sounded good, especially in South Dakota. The reality has been we have fought tooth and nail every step of the way. The good news on this is, whether it be Republican or Democrat, the bipartisan commitment to this has been absolutely unbreakable. The local communities have even done something that I think our constituents are asking us. We always hear when we're spending money, oh, you tax and spenders and all that. I think something that's important for people to know, Mr. Speaker, is that those of us who are here have paid taxes before, too. I'm a school teacher, and 2005 was the first year in my life that I filed taxes right at the $50,000 a year range. I'm the person who takes pencils when they're available to make sure I can use them in my classroom. I use both sides of every sheet of paper. I want to see us get our money's worth, too. This project did that. Seventeen of these communities and municipalities and States decided what they would do is they would pay ahead to cut down on the inflationary value of this project. The project was scheduled to last approximately 15 years. It's a major reconstruction project, a major thing that's happening.

Well, the project got off and going, started running. People are very excited about it. Everything is going great, until we started running into the last 7 years of the Bush presidency. Last year in President Bush's budget he cut the funding for this project down to $15 million a year. To give you an idea of what that would do, instead of the completion date of 2016 that was scheduled, and remember, States, municipalities have paid ahead. They have asked their taxpayers to pay taxes ahead to save money in the long run, and overwhelmingly they said that. And President Bush promised them that he would be there every step of the way. By the way, this is when he was sending off South Dakota's soldiers to go fight the war in Afghanistan. He promised them that he would be there for their families. By his budgeting cutting back to $15 million last year, it meant that the project would not be finished until 2051, and the cost would go from about $527 million to nearly $900 million.

Now, this was the President that came to us with an M.B.A. He was the CEO president. And what he's saying is that he is not going to be able to make the same fiscally responsible decisions to keep these communities alive.

Well, what we did, as a joint delegation, between Iowa, South Dakota and Minnesota, Republican and Democrat, said that is wrong. And we went and asked, guess what, one of those awful earmarks appropriations to put the Federal Government's responsibility back to where it was supposed to be or near where it was supposed to be at $27 million.

So now we're approximately 5 years from completion of this, and this wonderful document that the President sent out this week set his budget for the Lewis and Clark rural water project, zero dollars. He shut the project down. So I guess what he's telling us is, the $300 million we've spent, the 300,000 people, communities, where, in my district, they cannot issue another building permit in their cities because they don't have enough water. He is telling them, leave the pipes half finished. Let the people move elsewhere. And you know what I said in 2001, I didn't really mean it because I've got other priorities.

Now, remember, this is the same President that told us that our fiscal crisis now is simply being caused by our inability to make permanent the tax cuts on 1 percent of Americans that actually aren't expiring until 2011.

Now I stand here in front of the people, Mr. Speaker, and with my colleagues to ask in a totally bipartisan manner, what sense does this make? What sense is this about prioritizing? What do these mayors tell their people when they made this decision based on what good government is? And if this President is going to think you're going to do this alone, who's going to dig the 400-mile long trench from the Missouri River to feed these areas of Iowa and Minnesota and South Dakota?

I guess the President's message has been what it's been all along, whether it's been SCHIP, whether it's been our veterans, whether it's been anything. I'll be there until it comes time to make some prioritizing decisions. At that point you're on your own. He's given us his ownership society which truly does mean you're on your own, and now we have a situation where we're going to go as a delegation and have to fight for every dollar of something as basic as infrastructure to deliver water.

So I will have to tell you on the sacredness of this House floor, it's been an overwhelming challenge to keep my tongue on some of this, and I applaud my colleagues in the same way.

But I can tell you, Mr. Speaker, and tell my colleagues, I will not rest for 1 minute until this budget starts to reflect the priorities of this Nation. There is nothing in this budget that reflects the priorities of this Nation. There is nothing in the people of my district, and I don't care what political party they belong to, that reflects their values. And there is absolutely no vision in this. I don't know if maybe this is just a cruel joke on the way out, leaving the White House; we'll see what can happen if we do this. But I can tell you this: The people of Iowa and South Dakota and Minnesota aren't laughing about it. And I can darn sure guarantee you that each of us is going to fight to make it right.

I thank you for indulging me on this, Mr. YARMUTH. You've done a fantastic job. You always lead a very important discussion. And I thank you and my colleagues for their open-mindedness.

I agree with you. I'll have this discussion. I will debate with any member of this administration or this House of Representatives on why, after the investments that we've made, the importance of this project and the agreement of constituents and the promise that was made by the President, why I'm just supposed to accept this, and why people say, can't you all just get along and get something done?

If there was some sanity coming from the administration, I would say yes. But right now at this point I think the answer is no because this is going to be fought tooth and nail until this wrong is corrected.

Mr. YARMUTH. I thank my colleague and want to yield again to Mr. HALL from New York. But before I do, I just wanted to add that, again, sitting and listening to the State of the Union address and talking about the honesty that we need to have when we have this discussion, and all of a sudden the President for the first time in this State of the Union address takes on the question of earmarks. And all of a sudden he's critical of the Democratic Congress because we had 11,000 or something earmarks. But he never said a word for 6 years while the earmarks expanded to somewhere in the realm of 16,000.

Now we can have debates over earmarks. I happen to think, as my colleagues mentioned, that there are some very valid reasons to have earmarks. And I think they have been demonized probably unreasonably. But all of a sudden the President finds fiscal religion this year under a Democratic-controlled Congress when he was silent for 6 years. And the same is true of his passion now for balanced budgets when over the first 6 years of his administration with the Republican-controlled Congress, he never issued a veto, never threatened a veto of any spending bill as we accrued $3.7 or so trillion more in debt, and he was silent.

All of a sudden now you have to suspect that the only reason is partisanship. That's what we're trying to get away from in this country, and that's what we are trying to get away from as we discuss the priorities of the country. Because, as you said, we're interested in where the rubber meets the road, programs that help the American people, doing the best for the American people and not necessarily what means doing the best for a particular party.

I think what we're seeing, as you mentioned, in the turnout in voters in primaries throughout the country is that's what American people want. They want people who are going to deal with our problems and not deal with partisanship.

With that, I will once again recognize my distinguished colleague from New York (Mr. HALL).

Mr. HALL of New York. Thank you, Mr. YARMUTH. I appreciate your leading this discussion. I also want to acknowledge my colleague from New York (Mr. ARCURI). Thank you for serving as Speaker pro tem during this period of time.

I'd just like to respond to Mr. WALZ's comment about what kind of sense does it make for this cut in the water program in your district. Well, I can say it makes about as much sense as the President's completely eliminating the Byrne Grant program and the COPS program, both of which are vital to my district to provide cops, additional policemen on the streets in the 19th District of New York. It makes about as much sense as cutting the important programs that provide local and State law enforcement agencies with funds to fight terrorism and crime, including almost $140 million that were cut from bioterrorism preparedness. They make as much sense as the President cutting Medicare and Medicaid at a time when health insurance costs are skyrocketing, when more and more Americans are forced to live without health insurance. This budget cuts $200 billion out of health insurance from Medicare and Medicaid. At a time when we're facing one of the most damaging housing crises in our history with foreclosures and evictions due to the subprime mortgage crisis, it makes as much sense as this President cutting the Nation's largest rental assistance program. It makes as much sense, as I mentioned before, as cutting the Low Income Home Energy Assistance Program by almost 25 percent, preventing people in the lower income segment of our economy from being able to heat their homes during the winter.

We were talking about your district. I'll talk about something specific to mine. We have, many of us think due to climate change, suffered from three 50-year floods in the last 3 years in the 19th District, the Delaware River, the Wallkill River, the Ten Mile River, all flooding farms, homes, businesses, golf courses, which might not sound too important, except they do employ people and they're a source of economic input into the local economy. And, but as importantly, lives were lost. In Congressman HINCHEY's district in Sullivan County, there was a drastic, catastrophic flood shortly after the April 29 nor'easter, which was the third in 2007, the third in a row of our 50-year floods that came within 3 years.

So last year, when I was new, I was a freshman, wet behind the ears, just been sworn in for my first turn, we got into the appropriations process. And you know what it's like. People come into your office from different departments of the government asking to

have funding restored to these different important programs that have been cut by the administration. One of those who came to my office was the general who is the Army Corps of Engineers director of the Philadelphia district, which includes the Delaware watershed. Now, the Delaware Corps of Engineers offices go by watersheds, not by State lines or any kind of political jurisdictions. Her district, the general's, ran from Philadelphia up to Delaware and into New York from Pennsylvania and all the way up to the reservoirs that feed New York City's drinking water system. This is one of the rivers that has had, at that point in time, three 50-year floods in a short span. She came in to ask if I could help restore funding. And I said, well, what was it cut to? And she showed me in the President's budget it was cut to zero. It was a goose egg.

Now, flood control, in the days after Hurricane Katrina, we all know is a serious matter. This obviously is not a serious document any more than last year's budget was a serious document. This document is a fictitious document that is aimed at pretending to balance the budget in 2012. And we all know that can't be done. And, in fact, the general and others who have come from different departments to my office and others have said, off the record, that it's done with the knowledge that the Democratic majority will restore some of these funds at least to be able to keep the programs going and to protect people, and then we'll get blamed for being big spenders.

Well, in terms of being big spenders, I just want to bring out this chart which I happen to have here which shows the surplus that was the United States budget surplus when, in 2001, the Bush administration began its term. There was a $5.6 trillion surplus. In the time since then, there's red ink of $8.8 trillion, so that at this point in time we're at a $3.2 trillion deficit, including omitted items.

Now, we all know there are items that are not included in this. For instance, the war is off budget. We fought wars in the past, World War II or the Korean War or the Vietnam War, World War I, during which time people were asked to sacrifice. People were asked to pay for the war as they went.

This is a war that we're borrowing money to pay for, and Congressman KLEIN's chart that he showed before, of the increasing foreign ownership of our debt, I think, is really important and really interesting for several reasons. Obviously it's not healthy for us to have this much debt and to accumulate an ever-growing interest payment that eclipses anything we can do for education or for housing or for veterans or for homeland security and that we're going to pass on to our children and our grandchildren.

□ 2230

That's really unconscionable.

But the other thing that that does to have that kind of huge debt to the Chinese or to the Saudis or to the Mexican or Japanese Governments or investors from other countries is it loses our sovereignty when we can't talk to China about Darfur or when we can't talk to China honestly about human rights violations in their country or about the obliteration of the history of Tibet or about whether they're being as tough with North Korea about their nuclear problem as we want them to be or about lead in toys that are being imported for our children to play with or about contaminated food or animal feed or contaminated medicine. When we can't talk to the Saudis honestly about human rights violations in their country or about their funding of the madrasas, we have suffered what I call a loss of sovereignty. When you no longer can make honest, diplomatic, economic, military, international decisions or really state what is in your best interest because you are afraid that your hands are tied for want of getting a commodity from one place or the money to pay the debt off from another place, then you have lost some of your sovereignty.

And I'm telling you, in this country, the American people are not aware of the extent of it yet, but they better get aware of it because this is already a major factor in our foreign policy, but it will be more and more of a problem and restrict our options more and more in the future if we do not get back to a surplus in terms of our budget, if we don't get back to a surplus in the balance of trade, if we don't start producing things here. I, personally, am especially fond of the options of renewable energy technologies and high tech and computer and medical advances and so on that we have traditionally led the world in.

But we need to invest in education, we need to invest in these innovation approaches to technologies and especially to invest in new forms of energy to get us away from the billions of dollars a day that go to import oil.

But all of these things are our freedom, and they equate our future sovereignty. And I hope we make the right decisions, as opposed to the wrong decisions, that are embodied in this budget that the President just released so that our children and grandchildren will enjoy being a truly sovereign country and a leader in the world in these things rather than being subservient to whatever foreign interests happen to own our debt.

Mr. YARMUTH. I appreciate him mentioning the field of education because you can have, as I mentioned earlier, two forms of expenditure in government. You can have expenditures that are nonproductive, and one of those, I think, is the war in Iraq. Interest on the debt is another one, because there is no long-term payback to those expenditures. Education, investment in infrastructure, as Mr. WALZ was discussing, those are the types of things that over the long run do produce increased revenues for society productivity, and they are the type of investments we need to be focusing on.

And when we look at this budget, the field of education, and I'm on the Education and Labor Committee and we are dealing with trying to decide whether to reauthorize the No Child Left Behind Act which is already $55 billion below its authorized levels in funding. And the President, once again, has no increases in funding for education in this budget, which means we fall further and further behind.

So while he called his act No Child Left Behind, where, in fact, we are leaving more and more children behind because we are not meeting our obligations to make the kind of investments in people and in an infrastructure that really will pay off over the long run.

And I know this is something that is an entire range of topics that Mr. KLEIN has dealt with and has had to set priorities in his own legislature in Florida, and I would like to yield to him to advance the discussion.

Mr. KLEIN of Florida. Thank you. I think both of you were talking about two priorities of our country and the shortfalls and where we need to be, where we've been, and where we are going as a country. And I think we look at ourselves, and you hear this in the Presidential debates right now about the vision. And any Presidential candidate that comes forward and talks about the vision of what our country needs to be, where we need to go, the heritage of our country, the legacy of all of the great innovation that's happened and the fact that maybe we've missed a couple of steps. Not to say we can't regain and continue to move forward, because that's exactly what we are going to do. But it is going to take some new leadership through the Congress, through the Presidency and through the American people, and through our business community as well. It is a cooperative effort.

And I think about a few of the things that are the priorities that help us get there. Education, as you just said, is one of them. And one of the things that concerned me about the budget was the fact that the President had dropped the amount of college grants and the tuition assistance programs in the budget. And again, once again, this Congress, bipartisan, came forward and increased the Pell Grants and increased the college tuition, because if there's one thing I think we can all agree on as Americans, every student, every teenager, every adult who wants to get a higher level of education and create a greater level of workforce training which will only make their lives more productive and make their country more productive, that's a good thing. It always has been. Education has been the great equalizer in the United States, and we ought to be doing everything we can to make sure that we are giving that access and that opportunity for every student.

So, again, a misdirection in this budget which needs to be corrected.

Another thing that I think is extremely important, and all of us have some family history of illness whether it is Alzheimer's, whether it is kidney disease, or whether it is cancer or heart disease. And one of the things that our government has consistently done working with the private sector is research, basic research, which will hopefully find cures.

I know my mother passed away at a young age of 52. She was a very vibrant person and developed cancer, and after she went through some treatments over a period of time, we lost her. But it certainly gave me that commitment, and I know I fought along with many Members of the Congress, and the people who are listening tonight have their own family histories. And we know that collectively, we have to find ways of curing diseases.

Cuts in this budget to the grants for research, wrong direction. Really wrong direction. I feel extremely strong about this that we need to have the National Institute of Health grants to work with scientists or universities in our health institutions to find the therapies, to find the cures, to help make people's lives better. It's also a wonderful way of expanding our economic opportunity in exporting and licensing and creating technologies to help people around the world and selling those products around the world as well. So, again, something we need to fix in this budget.

I think the gentleman mentioned the COPS program, which is something that is very much on our streets, and that's, of course, the ability to have safety and public safety and security in our communities. I know in my local community, $8.5 million in our area would be cut from that funding. That's real dollars that affect real people in terms of putting police and security on our streets. It is one of the most important things our government can do to provide for the public safety.

These are the kinds of things that are misdirections. They can all be fixed. It is a question of all of us coming together, putting a budget together, hopefully persuading the President that these were mistakes and we need to come back and fix them.

And lastly, of course, I just want to touch on the fact of our economy, and the people back home are hurting right now. And we hear it every day, whether it is subprime, whether it is foreclosures, any number of things; and the Congress is working right now, and we will be passing, in the next number of days, an economic stimulus, which is designed to be short term. It's designed as a little bit of a prop up and a support of people. It will give them some cash and hopefully retire some of those responsibilities and pay for some of the necessities.

But long term, we have got to work together on energy issues. It's already been discussed. Paying $50, $60 for a tank of gas on someone who is earning $30,000 a year is a real issue. And at a time, as we already talked about, when energy companies are making incredible, historic amounts of money, we need to work together to substitute those resources for renewable energy programs, which I know the Congressman from New York has been all over and all of us feel very strongly about.

This is our moment. This is our time. This is our ''Sputnik'' moment. This is our putting-the-man-on-the-moon moment. This is the time for the American people to work together with the business, private sector, and government to create the markets and to do it. But we have to do it and start that process now.

So I think there are long-term and short-term issues on our economy. I look forward to working on infrastructure issues with everyone else, recognizing, as our Speaker said last week, in 1806 you had the Louisiana Purchase period of time, and that was a moment when President Jefferson said, This is the time we are going to start building our country: the Erie Canal and the canal systems, the road systems that got our country going in the industrial revolution.

A hundred years later, 1908, President Roosevelt coming forward and saying, This country is building and developing. Let's preserve some of our great areas, and we developed the National Parks System.

Now 100 years later, to her credit, Speaker NANCY PELOSI saying this is our time to now focus on rebuilding this country: our road systems, sewer systems, bridge systems, all of those kinds of things. It has everything to do with the economy. It has everything to do with the quality of life. Our commerce, people's quality of life, these are the things that we need to be working on together. Where there's a will, there's a way is my attitude, and I know we are going to do this all together.

Mr. YARMUTH. It's always wonderful to discuss these issues with my colleague on the floor.

And we have just a few minutes left. We have a fundamental decision to make in this country, and it is a basic choice, and that is what the role of government is, what the role of the Federal Government is. And on the one side, I think we have those that believe the role of the Federal Government is to get out of the way and to let whatever happens happen. And the other side, and I think most of us in this room would agree, that there is a legitimate role for the government to try to promote the type of progress through investments and the proper priorities that will make this a better country, and, basically, whether you believe government has a role in setting the direction of the country or whether it is basically just to get out of the way and let the most powerful people and the biggest corporations decide what is going to happen and let kind of a Darwinian atmosphere prevail.

So I would like to allow everyone to close briefly to whatever they have to say kind of related to that fundamental choice we face or to talk about the issue of priorities as we look forward to this budget process again this year.

Mr. WALZ of Minnesota. I so enjoy listening to the eloquence and thoughtfulness of this. The gentleman did sum it up about the priorities, and both gentlemen from Kentucky, Florida, and New York focusing on education and seeing it as an investment.

Of course, being a high school teacher, every chance I get to get into a classroom, I jump at it. And Monday I had the chance to teach a government class in a small town actually in the area served by the Lewis and Clark Rural Water Project. And I will just leave you this, and you can decide, again, what sense does this make.

The teacher was very excited about their first-year teaching job. They started out making $28,500 a year. Because of the decisions that have been made here and the decisions that have been made in St. Paul, the insurance for that family for him to provide for his wife and children was $14,100. So before taxes, our schoolteachers are making $14,400. If you take taxes out of this, we probably have a violation of minimum wage that's happening. That's the decisions that have been made.

But I go back to, once again, the President is not talking about that. The President is asking for how can we make tax cuts permanent for millionaires, and this Nation needs to decide what is our next generation going to do if we're not willing to invest.

Mr. YARMUTH. I would like to yield to my colleague from New York.

Mr. HALL of New York. I would like to close by saying as college costs rise, this President eliminates programs to help pay low-income students for higher education. As health care costs rise, this budget proposes a significant cut in both Medicare and Medicaid. It actually cuts funding for the Environmental Protection Agency, which would endanger the health and welfare of all Americans.

So to quote from this President Bush's father, the first President, Herbert Walker Bush, when he was responding to the invasion of Kuwait by Saddam Hussein, This will not stand. I will say, as far as this budget being brought to this Congress, this will not stand. It will be changed, and I hope the next time around on the floor of the House we will be talking about the positive changes that we've made to reflect the priorities of the American people which we were elected to espouse.

Mr. YARMUTH. I thank the gentleman for his comments, and I'd like to call on Mr. KLEIN from Florida for closing remarks.

Mr. KLEIN of Florida. I am an eternal optimist, like everyone in the Chamber, Democrats and Republicans.

I feel the American people are up to the challenge. We are up to sacrifice. And we're going to do this. And we will convince the administration along the way here that it's the right thing to do. And we're going to continue to rebuild our country and be successful. But let's put our nose down and work hard. And I look forward to working with all my colleagues to accomplish that.

Mr. YARMUTH. I thank all my colleagues. And I'd like to end where we began, and that is that when these majority makers, our freshman class, was elected in 2006, we were elected because the country thought that the government of the United States had the wrong priorities, that we needed a new set of priorities, we needed a new direction. We've committed ourselves to that new direction. I think as we approach this budgetary process and all areas that we have to do, we will seek a new direction for the American people.

## OMISSION FROM THE CONGRESSIONAL RECORD OF WEDNESDAY, DECEMBER 19, 2007 AT PAGE H16940

Lorraine C. Miller, Clerk of the House reported that on December 13, 2007, she presented to the President of the United States, for his approval, the following bill.

H.J. Res. 69. Making further continuing appropriations for the fiscal year 2008, and for other purposes.

Lorraine C. Miller, Clerk of the House also reported that on December 18, 2007, she presented to the President of the United States, for his approval, the following bill.

H.R. 6. An act to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes.

## OMISSION FROM THE CONGRESSIONAL RECORD OF FRIDAY, DECEMBER 28, 2007 AT PAGE H16954

Lorraine C. Miller, Clerk of the House reported that on December 19, 2007, she presented to the President of the United States, for his approval, the following bills.

H.R. 797. To amend title 38, United States Code, to improve compensation benefits for veterans in certain cases of impairment of vision involving both eyes, and for other purposes.

H.R. 1585. An act to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

H.R. 2408. To designate the Department of Veterans Affairs outpatient clinic in Green Bay, Wisconsin, as the ''Milo C. Huempfner Department of Veterans Affairs Outpatient Clinic''.

H.R. 2671. To designate the United States courthouse located at 301 North Miami Avenue, Miami, Florida, as the ''C. Clyde Atkins United States Courthouse''.

H.R. 2761. An act to extend the Terrorism Insurance Program of the Department of the Treasury, and for other purposes.

H.R. 3648. An act to amend the Internal Revenue Code of 1986 to exclude discharges of indebtedness on principal residences from gross income, and for other purposes.

H.R. 3703. To amend section 5112(p)(1)(A) of title 31, United States Code, to allow an exception from the $1 coin dispensing capability requirement for certain vending machines.

H.R. 3739. To amend the Arizona Water Settlements Act to modify the requirements for the statement of findings.

## LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. BOUCHER (at the request of Mr. HOYER) for today and the balance of the week.

Mr. RUPPERSBERGER (at the request of Mr. HOYER) for today and the balance of the week on account of medical reasons.

Mr. TANNER (at the request of Mr. HOYER) for today and the balance of the week on account of tornado devastation in the district.

Ms. WOOLSEY (at the request of Mr. HOYER) for today and the balance of the week.

Mr. WYNN (at the request of Mr. HOYER) for today after 6 p.m. on account of a family emergency.

Mr. GINGREY (at the request of Mr. BOEHNER) for today on account of attending a funeral.

Mr. KUHL of New York (at the request of Mr. BOEHNER) for today on account of personal reasons.

Mr. PETRI (at the request of Mr. BOEHNER) for today on account of severe winter storms in Wisconsin preventing him from making votes.

Mr. RYAN of Wisconsin (at the request of Mr. BOEHNER) for today on account of severe winter storms in Wisconsin preventing him from making votes.

Mr. WHITFIELD (at the request of Mr. BOEHNER) for today on account of surveying tornado damage in the First Congressional District of Kentucky.

## SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. SUTTON) to revise and extend their remarks and include extraneous material:)

Ms. WOOLSEY, for 5 minutes, today.

Ms. SUTTON, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Mr. BISHOP of New York, for 5 minutes, today.

(The following Members (at the request of Mr. POE) to revise and extend their remarks and include extraneous material:)

Mr. FRANKS of Arizona, for 5 minutes, today and February 7, 8, and 12.

Mr. POE, for 5 minutes, today and February 7, 8, 12, and 13.

Mr. JONES of North Carolina, for 5 minutes, today and February 7, 8, 12, and 13.

Mr. BURTON of Indiana, for 5 minutes, today and February 7 and 8.

## SENATE BILL AND JOINT RESOLUTION REFERRED

A bill and a joint resolution of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 550. An act to preserve existing judgeships on the Superior Court of the District of Columbia; to the Committee on Oversight and Government Reform.

S.J. Res. 25. Joint resolution providing for the appointment of John W. McCarter as a citizen regent of the Board of Regents of the Smithsonian Institution; to the Committee on House Administration.

## ENROLLED BILLS SIGNED

Ms. Lorraine C. Miller, Clerk of the House, reported and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker on Thursday, January 31, 2008:

H.R. 5104. An act to extend the Protect America Act of 2007 for 15 days.

On Monday, February 4, 2008:

H.R. 4253. An act to improve and expand small business assistance programs for veterans of the armed forces and military reservists, and for other purposes.

## SENATE ENROLLED BILL SIGNED

The Speaker announced her signature to an enrolled bill of the Senate of the following title:

S. 2110. An act to designate the facility of the United States Postal Service located at 427 North Street in Taft, California, as the ''Larry S. Pierce Post Office.''

## BILL PRESENTED TO THE PRESIDENT

Lorraine C. Miller, Clerk of the House, reports that on January 30, 2008, she presented to the President of the United States, for his approval, the following bills:

H.R. 5104. To extend the Protect America Act of 2007 for 15 days.

## ADJOURNMENT

Mr. YARMUTH. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 45 minutes p.m.), the House adjourned until tomorrow, Thursday, February 7, 2008, at 10 a.m.

## EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

5183. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule — Bovine Spongiform Encephalopathy; Minimal-Risk Regions; Identification of Ruminants, and Processing and Importation of Commodities [Docket No. APHIS-2006-0026-3] (RIN: 0579-AC45) received January 22, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5184. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report on U.S. military personnel and U.S. individual civilians retained as contractors involved in supporting Plan Colombia, pursuant to Public Law 106-246, section 3204 (f); to the Committee on Armed Services.

5185. A letter from the Counsel for Legislation and Regulations, Department of Housing and Urban Development, transmitting the Department's final rule — FHA Appraiser Roster Requirements [Docket No. FR-5112-F-01] (RIN: 2502-AI53) received January 23, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

5186. A letter from the Legal Information Assistant, Department of the Treasury, transmitting the Department's final rule — Identity Theft Red Flags and Address Discrepancies Under the Fair and Accurate Credit Transactions Act of 2003 [Docket ID OCC-2007-0017] (RIN: 1557-AC87) received January 29, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

5187. A letter from the Director, Office of Legislative Affairs, Federal Deposit Insurance Corporation, transmitting the Corporation's final rule — Rules of Practice and Procedure (RIN: 3064-AD22) received January 29, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

5188. A letter from the Secretary, Securities and Exchange Commission, transmitting the Commission's final rule — Electronic Shaireholder Forums [Release No. 34-57172; IC-28124; File No. S7-16-07] (RIN: 3235-AJ92) received January 23, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

5189. A letter from the Attorney, Office of Assistant General Counsel for Legislation and Regulatory Law, Department of Energy, transmitting the Department's final rule — Workplace Substance Abuse Programs at DOE Sites (RIN: 1992-AA38) received January 23, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5190. A letter from the Director, Regulations Policy and Mgmt. Staff, Department of Health and Human Services, transmitting the Department's final rule — Index of Legally Marketed Unapproved New Animal Drugs for Minor Species [Docket No. 2006N-0067] (RIN: 0910-AF67) received January 23, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5191. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Fluopicolide; Pesticide Tolerance [EPA-HQ-OPP-2006-0481; FRL-8341-6] received January 25, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5192. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Boscalid; Denial of Objections [EPA-HQ-OPP-2005-0145; FRL-8347-3] received January 25, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5193. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Health and Safety Data Reporting; Addition of Certain Chemicals [EPA-HQ-OPPT-2007-0487; FRL-8154-2] (RIN: 2070-AB11) received January 25, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5194. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Michigan; Oxides of Nitrogen Regulations, Phase II [EPA-R05-OAR-2007-0024; FRL-8519-4] received January 24, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5195. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Maine; Ozone Maintenance Plans [EPA-R01-OAR-2007-0963; A-1-FRL-8522-1] received January 24, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5196. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Connecticut; State Implementation Plan Revision to Implement the Clean Air Interstate Rule [EPA-R01-OAR-2007-0399; FRL-8517-4] received January 24, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5197. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — State Operating Permit Programs; Ohio; Revisions to the Acid Rain Regulations [EPA-R05-OAR-2007-1198; FRL-8521-3] received January 24, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5198. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Massachusetts; Final Authorization of State Hazardous Waste Management Program Revisions [EPA-R01-RCRA-2007-1171; FRL-8521-8] received January 24, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5199. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — National Emission Standards for Hazardous Air Pollutants for Iron and Steel Foundries [EPA-HQ-OAR-2002-0034; FRL-8522-4] (RIN: 2060-AM85) received January 24, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5200. A letter from the Deputy Chief, CGB, Federal Communications Commission, transmitting the Commission's final rule — In the Matter of Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities [CG Docket No. 03-123] received January 29, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5201. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — In the Matter of Carriage of Digital Television Broadcast Signals: Amendment to Part 76 of the Commission's Rules [CS Docket No. 98-120] received January 29, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5202. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — In the matter of Amendment of Section 73.202(b) FM Table of Allotments, FM Broadcast Stations. (Charlo, Montana) [MB Docket No. 07-143 RM-11381] received January 29, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5203. A letter from the Chief of Staff, Media Burea, Federal Communications Commission, transmitting the Commission's final rule — In the Matter of Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Live Oak, Florida) [MB Docket No. 07-131 RM-11377] received January 29, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5204. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting Copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b; to the Committee on Foreign Affairs.

5205. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting the FY 2007 annual report in accordance with Section 655 of the Foreign Assistance Act of 1961 (FAA); to the Committee on Foreign Affairs.

5206. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(d) of the Arms Export Control Act, certification regarding the proposed license for the manufacture of military equipment to the Government of Colombia (Transmittal No. DDTC 093-07); to the Committee on Foreign Affairs.

5207. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report pursuant to Section 3 of the Arms Export Control Act, as amended, detailing an unauthorized retransfer of U.S.-granted defense articles; to the Committee on Foreign Affairs.

5208. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting Pursuant to section 565(b) of the Foreign Relations Authorization Act for FY 1994 and 1995 (Pub. L. 103-236), certifications and waivers of the prohibition against contracting with firms that comply with the Arab League Boycott of the State of Israel and of the prohibition against contracting with firms that discriminate in the award of subcontracts on the basis of religion, and accompanying Memorandum of Justification; to the Committee on Foreign Affairs.

5209. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's 2007 Annual Report on U.S. Government Assistance to and Cooperative Activities with Eurasia and the Fiscal Year 2007 Annual Report on U.S. Government Assistance to Eastern Europe under the Support for East European Democracy Act, as required by Pub. L. 101-179, Sec. 704(c); to the Committee on Foreign Affairs.

5210. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report pursuant to Paragraph (5)(D) of the Senate's May 1997 resolution of advice and consent to the ratification of the Conventional Armed Forces in Europe Treaty Flank Document of May 31, 1996; to the Committee on Foreign Affairs.

5211. A letter from the Chair, J. William Fulbright Foreign Scholarship Board, transmitting the annual report of the J. William Fulbright Foreign Scholarship Board for 2006-2007; to the Committee on Foreign Affairs.

5212. A communication from the President of the United States, transmitting a report including matters relating to the interdiction of aircraft engaged in illicit drug trafficking, pursuant to 22 U.S.C. 2291-4; (H. Doc. No. 110–91); to the Committee on Foreign Affairs and ordered to be printed.

5213. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-256, ''Bicycle Registration Reform Amendment Act of 2008,'' pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

5214. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-257, ''Enhanced Professional Security Amendment Act of 2008,'' pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

5215. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-258, ''Appointment of the Chief Medical Examiner Amendment Act of 2008,'' pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

5216. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-259, ''Health Services Planning Program Amendment Act of 2008,'' pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

5217. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-261, ''Frank Harris, Jr. Justice Amendment Act of 2008,'' pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

5218. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-263, ''Tregaron Conservancy Tax Exemption and Relief Act of 2008,'' pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

5219. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-265, ''Fiscal Year 2008 Supplemental Appropriations Temporary Act of 2008,'' pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

5220. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-273, ''District Funds Reserved Act of 2008,'' pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

5221. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-274, ''Wax Museum Project Tax Abatement Allocation Modification Act of 2008,'' pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

5222. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-276, ''Presidential Primary Ballot Access Temporary Amendment Act of 2008,'' pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

5223. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-277, ''Child Support Compliance Amendment Act of 2008,'' pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

5224. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-279, ''Downtown Retail TIF Amendment Act of 2008,'' pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

5225. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-275, ''Constitution Square Economic Development Act of 2008,'' pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

5226. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-272, ''Small Business Commercial Property Tax Relief Act of 2008,'' pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

5227. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-271, ''Public Education Personnel Reform Amendment Act of 2008,'' pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

5228. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-264, ''Closing of Public Alley in Square 696, S.O. 07-8302, Act of 2008,'' pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

5229. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-262, ''Arthur Capper/Carrollsburg Public Improvements Revenue Bonds Approval Amendment Act of 2008,'' pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

5230. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-260, ''Effi Slaughter Barry HIV/AIDS Initiative Act of 2008,'' pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

5231. A letter from the Chair, CPB Board of Directors, Corporation for Public Broadcasting, transmitting the semiannual report of the Office of the Inspector General for the period ending September 30, 2007, pursuant to 5 U.S.C. app. (Insp. Gen. Act), section 5(b); to the Committee on Oversight and Government Reform.

5232. A letter from the Deputy Chief Human Capital Officer, Department of Commerce, transmitting the Department's report on the use of the Category Rating System, pursuant to 5 U.S.C. 3319; to the Committee on Oversight and Government Reform.

5233. A letter from the Senior Procurement Executive and Director, Office of Acquisition Management and Procurement Executive, Department of Commerce, transmitting in accordance with Section 647(b) of Division F of the Consolidated Appropriations Act, FY 2004, Pub. L. 108-199, and the Office of Management and Budget Memorandum M-08-02, the Department's report on competitive sourcing efforts for FY 2007; to the Committee on Oversight and Government Reform.

5234. A letter from the White House Liaison, Department of Education, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

5235. A letter from the White House Liaison, Department of Education, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

5236. A letter from the Secretary, Department of Energy, transmitting in accordance with Section 647(b) of Division F of the Consolidated Appropriations Act, FY 2004, Pub. L. 108-199, the Department's report on competitive sourcing efforts for FY 2007; to the Committee on Oversight and Government Reform.

5237. A letter from the Deputy Associate General Counsel for Regulatory Affairs, Department of Homeland Security, transmitting the Department's final rule — Minimum Standards for Drivers' Licenses and Identification Cards Acceptable by Federal Agencies for Official Purposes [Docket No. DHS-2006-0030] (RIN: 1601-AA37) received January 14, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

5238. A letter from the Deputy Under Secretary for Management, Department of Homeland Security, transmitting in accordance with Section 647(b) of Division F of the Consolidated Appropriations Act, FY 2004, Pub. L. 108-199, the Department's report on competitive sourcing efforts for FY 2007; to the Committee on Oversight and Government Reform.

5239. A letter from the Assistant Secretary for Administration and Mgmt., Department of Labor, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

5240. A letter from the Assitant Secretary for Administration and Mgmt., Department of Labor, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

5241. A letter from the Secretary, Department of Veterans Affairs, transmitting in accordance with Section 647(b) of Division F of the Consolidated Appropriations Act, FY 2004, Pub. L. 108-199, the Department's report on competitive sourcing efforts for FY 2007; to the Committee on Oversight and Government Reform.

5242. A letter from the Assistant Administrator, Environmental Protection Agency, transmitting in accordance with Section 647(b) of Division F of the Consolidated Appropriations Act, FY 2004, Pub. L. 108-199, the Agency's report on competitive sourcing efforts for FY 2007; to the Committee on Oversight and Government Reform.

5243. A letter from the Administrator, Environmental Protection Agency, transmitting the Agency's report entitled ''Annual Report to Congress on Implementation of Public Law 106-107''; to the Committee on Oversight and Government Reform.

5244. A letter from the Chairman and Chief Executive Officer, Farm Credit Administration, transmitting a copy of the annual report in compliance with the Government in the Sunshine Act covering the calendar year 2006, pursuant to 5 U.S.C. 552b; to the Committee on Oversight and Government Reform.

5245. A letter from the Secretary, Federal Trade Commission, transmitting the Commission's report entitled, ''Accounting for Laws that Apply Differently to the United States Postal Service and Its Private Competitors,'' pursuant to 39 U.S.C. 101; to the Committee on Oversight and Government Reform.

5246. A letter from the Director, Financial Management, Government Accountability Office, transmitting the FY 2007 annual report of the Comptrollers' General Retirement System, pursuant to Public Law 95-595; to the Committee on Oversight and Government Reform.

5247. A letter from the Director, Office of Personnel Management, transmitting the Chief Human Capital Officers (CHCO) Council's Report to Congress covering FY 2007, pursuant to 5 U.S.C. 1401 note Public Law 107-296 section 1303(d); to the Committee on Oversight and Government Reform.

5248. A letter from the Deputy Assistant Administrator for Operations, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Atlantic Surfclam and Ocean Quahog Fishery; Final 2008-2010 Fishing Quotas for Atlantic Surfclams and Ocean Quahogs [Docket No.

070717342-7713-02] (RIN: 0648-AV42) received January 22, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

5249. A letter from the Assistant Secretary Legislative Affairs, Department of State, transmitting the Department's final rule — Visas: Documentation of immigrants under the Immigration and Nationality Act, as amended. — received January 23, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

5250. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a redesignation pursuant to Section 219 of the Immigration and Nationality Act; to the Committee on the Judiciary.

5251. A letter from the Program Manager, Department of Health and Human Services, transmitting the Department's final rule — Reauthorization of the Temporary Assistance for Needy Families (TANF) Program (RIN: 0970-AC27) received January 25, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5252. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Intermediary Transaction Tax Shelter [Notice 2008-20] received January 23, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5253. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Application of Section 338 to Insurance Companies [TD 9377] (RIN: 1545-BF02) received January 23, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5254. A letter from the Acting Regulations Officer of Social Security, Social Security Administration, transmitting the Administration's final rule — Private Printing of Prescribed Applications, Forms, and Other Publications [Docket No. SSA-2007-0009] (RIN: 0960-AG36) received January 22, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5255. A letter from the Acting SSA Regulations Officer, Social Security Administration, transmitting the Administration's final rule — Methods for Conducting Personal Conferences When Waiver of Recovery of a Title II or Title XVI Overpayment Cannot Be Approved [Docket No. SSA-2006-0096] (RIN: 0960-AG40) received January 23, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5256. A letter from the Program Manager, Department of Health and Human Services, transmitting the Department's final rule — Revisit User Fee Program for Medicare Survey and Certification Activities [CMS-2278-IFC3] (RIN: 0938-AP22) received January 18, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Energy and Commerce and Ways and Means.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Ms. SLAUGHTER: Committee on Rules. House Resolution 955. Resolution waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules (Rept. 110–522). Referred to the House Calendar.

Ms. SUTTON: Committee on Rules. House Resolution 956. Resolution providing for consideration of the bill (H.R. 4137) to amend and extend the Higher Education Act of 1965, and for other purposes (Rept. 110–523). Referred to the House Calendar.

DISCHARGE OF COMMITTEE

*[The following action occurred on February 1, 2008]*

Pursuant to clause 2 of rule XII the Committee on Armed Services discharged from further consideration. H.R. 3111 referred to the Committee of the Whole House on the State of the Union.

## TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

*[The following actions occurred on February 1, 2008]*

H.R. 275. Referral to the Committee on the Judiciary extended for a period ending not later than February 8, 2008.

H.R. 275. Referral to the Committee on Energy and Commerce extended for a period ending not later than February 22, 2008.

H.R. 948. Referral to the Committee on Ways and Means extended for a period ending not later than March 31, 2008.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. CAMPBELL of California (for himself, Mr. BOEHNER, Mr. PUTNAM, Mr. CARTER, Mr. HUNTER, Mr. SAM JOHNSON of Texas, Mr. SAXTON, Mr. WILSON of South Carolina, Mr. LAMBORN, Mr. BURGESS, Mr. KLINE of Minnesota, Mr. POE, Mr. ROHRABACHER, Mr. ROGERS of Michigan, Mr. BROUN of Georgia, Mr. ISSA, Mr. TIAHRT, Mr. BURTON of Indiana, Ms. FALLIN, Mr. MCCOTTER, Mr. GOHMERT, Mr. PITTS, Mr. HERGER, Mr. FEENEY, Mr. MCHENRY, Mr. FRANKS of Arizona, Mr. SESSIONS, Mr. WALBERG, Mr. MACK, Mr. CALVERT, Mr. KELLER, Mr. BOUSTANY, Mr. SULLIVAN, Mrs. SCHMIDT, Mr. BRADY of Texas, Mr. CONAWAY, Mr. GINGREY, Ms. FOXX, Mr. MILLER of Florida, Mr. CANNON, Mr. HALL of Texas, Mr. KING of Iowa, Mr. HENSARLING, Mrs. CAPITO, and Mr. KING of New York):

H.R. 5222. A bill to rescind funds appropriated by the Consolidated Appropriations Act, 2008, for the City of Berkeley, California, and any entities located in such city, and to provide that such funds shall be transferred to the Operation and Maintenance, Marine Corps account of the Department of Defense for the purposes of recruiting; to the Committee on Appropriations.

By Mr. BOSWELL (for himself, Mr. HAYES, Mr. BRALEY of Iowa, Mr. ORTIZ, Mrs. BOYDA of Kansas, Mr. BARTLETT of Maryland, and Mr. LOEBSACK):

H.R. 5223. A bill to provide for the enhancement of the suicide prevention programs of the Department of Defense, and for other purposes; to the Committee on Armed Services.

By Mr. BONNER:

H.R. 5224. A bill to suspend temporarily the duty on Hexane, 1,6-dichloro-; to the Committee on Ways and Means.

By Mr. BONNER:

H.R. 5225. A bill to suspend temporarily the duty on Propanedioic acid, diethyl ester; to the Committee on Ways and Means.

By Mr. BONNER:

H.R. 5226. A bill to suspend temporarily the duty on Butane, 1-chloro; to the Committee on Ways and Means.

By Mr. BONNER:

H.R. 5227. A bill to suspend temporarily the duty on 1,3,5-Triazine, 2,4,6-tris(2-propenyloxyl)-; to the Committee on Ways and Means.

By Mr. ANDREWS (for himself and Mr. PETRI):

H.R. 5228. A bill to protect employees from invasion of privacy by employers by prohibiting video and audio monitoring of employees when in an area where it is reasonable to expect employees to change clothing; to the Committee on Education and Labor.

By Mr. BARTLETT of Maryland (for himself, Mr. ISRAEL, Mr. BOOZMAN, Mrs. GILLIBRAND, Ms. SCHWARTZ, Mr. CARTER, Mr. RODRIGUEZ, Mr. LOBIONDO, Mr. BISHOP of Utah, Mr. MILLER of Florida, Mr. CUMMINGS, Mr. SCHIFF, Mr. GORDON, Mr. UDALL of Colorado, Mr. WILSON of South Carolina, Mr. ELLISON, Mr. KIRK, Mr. JOHNSON of Georgia, Mr. KUHL of New York, Mr. WYNN, Mr. MEEK of Florida, Mr. BUTTERFIELD, Ms. FOXX, Ms. GIFFORDS, Ms. SHEA-PORTER, Mr. CARNEY, Mr. LOEBSACK, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. GILCHREST, Ms. CORRINE BROWN of Florida, Mr. JONES of North Carolina, Mr. HILL, Mrs. LOWEY, Ms. BERKLEY, Mr. NEUGEBAUER, Mr. WALZ of Minnesota, Mr. KING of Iowa, Mr. TIBERI, Mr. MCHENRY, Mr. WOLF, Mr. KINGSTON, Mr. PAUL, Mr. GOODE, and Mr. SAXTON):

H.R. 5229. A bill to amend title 38, United States Code, to remove certain limitations on the transfer of entitlement to basic educational assistance under the Montgomery GI Bill, and for other purposes; to the Committee on Armed Services, and in addition to the Committee on Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. JACKSON-LEE of Texas:

H.R. 5230. A bill to amend title 28, United States Code, to grant to the House of Representatives the authority to bring a civil action to enforce, secure a declaratory judgment concerning the validity of, or prevent a threatened refusal or failure to comply with any subpoena or order issued by the House or any committee or subcommittee of the House to secure the production of documents, the answering of any deposition or interrogatory, or the securing of testimony, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BRALEY of Iowa:

H.R. 5231. A bill to amend the Internal Revenue Code of 1986 to extend the credit for electricity produced from certain renewable resources; to the Committee on Ways and Means.

By Mr. BURGESS:

H.R. 5232. A bill to provide that no Federal or State requirement to increase energy efficient lighting in public buildings shall require a hospital, school, day care center, mental health facility, or nursing home to install or utilize such energy efficient lighting if the lighting contains mercury; to the Committee on Energy and Commerce, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in

each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. DRAKE:

H.R. 5233. A bill to extend for two years the exemption of returning workers from the numerical limitations for H-2B temporary workers; to the Committee on the Judiciary.

By Mr. FRELINGHUYSEN:

H.R. 5234. A bill to amend title 18, United States Code, and the Social Security Act to limit the misuse of Social Security numbers, to establish criminal penalties for such misuse, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GALLEGLY (for himself and Mr. BLUNT):

H.R. 5235. A bill to establish the Ronald Reagan Centennial Commission; to the Committee on Oversight and Government Reform.

By Ms. HERSETH SANDLIN (for herself, Mr. WALDEN of Oregon, Mr. DEFAZIO, Mr. STUPAK, Mr. ROSS, Mr. PICKERING, Mrs. EMERSON, Mr. GOODLATTE, Mr. BONNER, and Mr. PETERSON of Pennsylvania):

H.R. 5236. A bill to promote the use of certain materials harvested from public lands in the production of renewable fuel, and for other purposes; to the Committee on Energy and Commerce.

By Mr. MCDERMOTT (for himself and Ms. GRANGER):

H.R. 5237. A bill to amend the U.S. Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003; to the Committee on Foreign Affairs.

By Mr. PEARCE (for himself, Mr. YOUNG of Alaska, Mr. BISHOP of Utah, Mrs. CUBIN, Mr. HELLER, Mrs. MCMORRIS RODGERS, Mr. CANNON, and Mr. SALI):

H.R. 5238. A bill to repeal a requirement to reduce by 2 percent the amount payable to each State in fiscal year 2008; to the Committee on Natural Resources.

By Mr. PORTER (for himself and Ms. SCHWARTZ):

H.R. 5239. A bill to amend the Internal Revenue Code of 1986 to provide that the proceeds of qualified mortgage bonds may be used to provide refinancing for subprime loans, to provide a temporary increase in the volume cap for qualified mortgage bonds used to provide that refinancing, and for other purposes; to the Committee on Ways and Means.

By Mr. UDALL of Colorado (for himself and Mr. SALAZAR):

H.R. 5240. A bill to restore equitable sharing with affected States of revenues from onshore Federal mineral leases; to the Committee on Natural Resources.

By Mr. UDALL of Colorado:

H.R. 5241. A bill to amend the Healthy Forests Restoration Act of 2003 to authorize the Secretary of Agriculture and the Secretary of the Interior to take expedited action to reduce the increased risk of severe wildfires to Colorado communities, water supplies, and infrastructure in or near forested areas most severely affected by infestations of bark beetles and other insects, and for other purposes; to the Committee on Agriculture, and in addition to the Committee on Natural Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. YOUNG of Florida:

H.R. 5242. A bill to amend the Internal Revenue Code of 1986 to make permanent the deduction of State and local general sales taxes; to the Committee on Ways and Means.

By Mr. GILCHREST (for himself, Mr. CUMMINGS, Mr. JONES of North Carolina, Mr. MEEKS of New York, Mr. JOHNSON of Illinois, Mr. MURTHA, Mr. REYES, and Ms. KAPTUR):

H. Con. Res. 288. Concurrent resolution expressing the need for a more comprehensive diplomatic initiative led by the United States, Republic of Iraq, and international community; to the Committee on Foreign Affairs, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. JONES of Ohio (for herself, Mr. TIBERI, Mr. HINOJOSA, Mrs. CHRISTENSEN, Mr. PAYNE, Ms. WATSON, Mr. CLAY, Mr. BECERRA, Mr. MCNULTY, Mr. DAVIS of Illinois, Mr. MEEK of Florida, Ms. SUTTON, Ms. MOORE of Wisconsin, Ms. CORRINE BROWN of Florida, Mr. BISHOP of Georgia, Mr. ENGLISH of Pennsylvania, Mr. THOMPSON of Mississippi, Ms. NORTON, Mr. EMANUEL, and Ms. CLARKE):

H. Res. 957. A resolution expressing support for the second annual America Saves Week 2008 from February 24, 2008 through March 2, 2008; to the Committee on Financial Services.

By Mr. KLINE of Minnesota (for himself, Mr. BOEHNER, Mr. PUTNAM, Mr. CANNON, Mr. CANTOR, Mr. KELLER, Mr. MILLER of Florida, Mr. SESSIONS, Mr. WILSON of South Carolina, Mr. CARTER, Mr. ISSA, Mrs. BLACKBURN, Mr. BURTON of Indiana, Mr. SAM JOHNSON of Texas, Mr. BISHOP of Utah, Mr. GOHMERT, Mr. LOBIONDO, Mr. HENSARLING, Mr. BILBRAY, Mr. KING of Iowa, Mrs. BONO MACK, Mr. FEENEY, Mr. FOSSELLA, Mr. FORBES, Mr. CONAWAY, Mr. SALI, Mr. BARTLETT of Maryland, and Mr. WOLF):

H. Res. 958. A resolution reaffirming the commitment of the House of Representatives to the patriotic and professional men and women serving in the United States Marine Corps in defense of the United States; to the Committee on Armed Services.

By Mrs. MUSGRAVE (for herself and Mr. MURTHA):

H. Res. 959. A resolution supporting the Adopt-a-Platoon program, which encourages support to deployed soldiers through letters, care packages, pen pal campaigns, and monetary donations; to the Committee on Armed Services.

By Mr. ROTHMAN (for himself, Mr. HOLT, Mr. ENGEL, Mr. MCHUGH, Mr. SERRANO, Mr. SCHIFF, Mr. MEEKS of New York, Mrs. MALONEY of New York, Mr. HALL of New York, Mr. CROWLEY, Mr. FOSSELLA, Mr. COHEN, Ms. CLARKE, Ms. WASSERMAN SCHULTZ, Mr. SHAYS, Mrs. MCCARTHY of New York, Mr. PASCRELL, Mr. SIRES, Mr. WEINER, and Mr. PALLONE):

H. Res. 960. A resolution congratulating the National Football League champion New York Giants for winning Super Bowl XLII and completing one of the most remarkable postseason runs in professional sports history; to the Committee on Oversight and Government Reform.

By Mr. YOUNG of Alaska (for himself, Mr. BRADY of Pennsylvania, Mr. WALZ of Minnesota, Mr. ORTIZ, Mrs. CHRISTENSEN, Ms. BORDALLO, Mr. ABERCROMBIE, Mr. PEARCE, Mr. LEWIS of Georgia, Mr. FORTUÑO, Mr. TERRY, Mr. WAMP, Mr. BISHOP of Utah, Mr. COURTNEY, Mr. SHUSTER, Mr. PITTS, Mr. FORBES, Mr. PUTNAM, Mr. LEWIS of California, Mr. TAYLOR, Mr. SAXTON, Mr. HALL of Texas, Mr. HAYES, Mr. DUNCAN, Mr. MCCARTHY of California, Mr. SALI, Mr. UDALL of Colorado, Mr. CONAWAY, Mr. KLINE of Minnesota, Mr. PATRICK MURPHY of Pennsylvania, Mr. PAYNE, Mr. SNYDER, Mr. JONES of North Carolina, Mr. KUHL of New York, Mrs. MCMORRIS RODGERS, and Mr. MCCOTTER):

H. Res. 961. A resolution commending the Alaska Army National Guard for its service to the State of Alaska and the citizens of the United States; to the Committee on Armed Services.

By Ms. WATERS:

H. Res. 962. A resolution congratulating the city of Inglewood, California on its 100th anniversary and commending the city for its growth and resilience; to the Committee on Oversight and Government Reform.

## PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. REYES introduced a bill (H.R. 5243) for the relief of Kumi Iizuka-Barcena; which was referred to the Committee on the Judiciary.

## ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 25: Mr. BROUN of Georgia.
H.R. 37: Mr. KLINE of Minnesota.
H.R. 96: Mr. ANDREWS.
H.R. 154: Mr. LAMPSON.
H.R. 241: Mrs. EMERSON.
H.R. 248: Mr. MORAN of Kansas and Mrs. BOYDA of Kansas.
H.R. 321: Mr. MCCOTTER.
H.R. 333: Mr. MCINTYRE.
H.R. 369: Ms. MATSUI.
H.R. 402: Mr. MCINTYRE.
H.R. 406: Mr. CLEAVER and Ms. HARMAN.
H.R. 549: Mr. MCDERMOTT.
H.R. 581: Mr. PRICE of Georgia.
H.R. 618: Mr. ROGERS of Michigan.
H.R. 621: Mr. MCKEON.
H.R. 643: Mr. SPACE.
H.R. 661: Mr. SIRES.
H.R. 677: Mr. WELCH of Vermont.
H.R. 685: Mr. BACA and Mr. SHAYS.
H.R. 706: Ms. ESHOO, Mr. SHERMAN, Mr. CARDOZA, Ms. LINDA T. SÁNCHEZ of California, Mr. HONDA, Mr. THOMPSON of California, Mr. COOPER, Mr. WU, Ms. JACKSON-LEE of Texas, and Mr. CUMMINGS.
H.R. 715: Ms. JACKSON-LEE of Texas.
H.R. 748: Mr. JONES of North Carolina and Mr. MARKEY.
H.R. 758: Mrs. MYRICK.
H.R. 768: Mr. SMITH of Texas.
H.R. 861: Mr. NEUGEBAUER and Mr. JONES of North Carolina.
H.R. 913: Mr. WHITFIELD of Kentucky.
H.R. 983: Mr. ROSS.
H.R. 992: Mr. SIRES, Ms. ESHOO, and Mr. LINCOLN DAVIS of Tennessee.
H.R. 997: Mr. PETERSON of Minnesota.
H.R. 1017: Mr. ALLEN and Mr. KILDEE.
H.R. 1023: Mr. TIM MURPHY of Pennsylvania, Mr. GILCHREST, and Mr. KAGEN.
H.R. 1029: Mr. MURPHY of Connecticut.
H.R. 1032: Mr. AL GREEN of Texas.
H.R. 1070: Mr. CONYERS.
H.R. 1078: Mr. FARR and Mr. WAMP.
H.R. 1093: Ms. HERSETH SANDLIN and Mr. POMEROY.
H.R. 1110: Mr. WILSON of South Carolina and Ms. RICHARDSON.

H.R. 1172: Mr. CARDOZA.
H.R. 1192: Ms. SOLIS and Mr. SERRANO.
H.R. 1225: Mr. MILLER of North Carolina.
H.R. 1229: Mr. WALSH of New York.
H.R. 1261: Mr. CAMP of Michigan.
H.R. 1279: Mr. AL GREEN of Texas.
H.R. 1293: Mr. SESTAK.
H.R. 1386: Mr. CONYERS, Mr. DINGELL, and Ms. SLAUGHTER.
H.R. 1418: Mr. ROTHMAN.
H.R. 1420: Mr. INSLEE and Mr. PATRICK MURPHY of Pennsylvania.
H.R. 1439: Mr. YARMUTH.
H.R. 1481: Mr. GINGREY.
H.R. 1507: Mr. TIERNEY.
H.R. 1527: Mr. CAMP of Michigan.
H.R. 1553: Ms. WASSERMAN SCHULTZ, Mrs. EMERSON, and Mr. BUCHANAN.
H.R. 1560: Mr. LATOURETTE.
H.R. 1589: Mr. KILDEE and Mr. CONAWAY.
H.R. 1619: Mr. BOUCHER.
H.R. 1650: Ms. HERSETH SANDLIN.
H.R. 1665: Mr. COHEN, Mr. WELCH of Vermont, and Mr. WALZ of Minnesota.
H.R. 1731: Mr. STARK.
H.R. 1750: Mr. WEXLER.
H.R. 1783: Ms. LORETTA SANCHEZ of California.
H.R. 1820: Mr. LARSON of Connecticut.
H.R. 1823: Mr. KLEIN of Florida, Mr. SESTAK, and Ms. BERKLEY.
H.R. 1846: Mr. MEEK of Florida.
H.R. 1927: Mr. SESTAK.
H.R. 1937: Ms. FALLIN and Mr. LUCAS.
H.R. 1975: Mrs. TAUSCHER, Mr. COOPER, and Mr. DOGGETT.
H.R. 2021: Mr. SCOTT of Virginia, Ms. ROYBAL-ALLARD, Mr. BISHOP of New York, Ms. DEGETTE, Mr. TIERNEY, Mr. SCOTT of Georgia, Mr. ACKERMAN, Ms. MOORE of Wisconsin, Mr. GUTIERREZ, Mr. ORTIZ, Mr. FILNER, Ms. BERKLEY, Mr. SESTAK, Mr. FARR, Mrs. BOYDA of Kansas, Mr. LAMPSON, Mrs. LOWEY, Mr. HIGGINS, Mr. MEEK of Florida, and Mr. REYES.
H.R. 2032: Mr. DUNCAN.
H.R. 2040: Ms. WATSON, Mr. MOORE of Kansas, and Mr. CONYERS.
H.R. 2053: Mr. ROGERS of Michigan, Mr. SOUDER, Mr. KAGEN, Mr. KLEIN of Florida, Mr. DAVIS of Alabama, and Mr. CRAMER.
H.R. 2067: Mr. MCCOTTER.
H.R. 2131: Mr. BUCHANAN and Mr. GENE GREEN of Texas.
H.R. 2164: Mr. PORTER.
H.R. 2188: Mr. PASTOR.
H.R. 2189: Ms. NORTON, Mr. HINCHEY, Mr. MILLER of North Carolina, and Mr. LEWIS of Georgia.
H.R. 2231: Mr. SESTAK, Mr. ROSS, and Mr. PASTOR.
H.R. 2312: Mr. BACHUS.
H.R. 2353: Mr. CAPUANO.
H.R. 2384: Mr. ROSS.
H.R. 2452: Mr. MURPHY of Connecticut, Mr. WEXLER, and Mr. HINOJOSA.
H.R. 2469: Mr. ENGLISH of Pennsylvania.
H.R. 2470: Ms. GINNY BROWN-WAITE of Florida.
H.R. 2526: Mr. HINCHEY.
H.R. 2564: Ms. FALLIN, Mr. LAMBORN, Mr. GOODLATTE, and Mr. YOUNG of Florida.
H.R. 2578: Mr. SMITH of Washington.
H.R. 2604: Mr. MOORE of Kansas and Mr. LYNCH.
H.R. 2620: Mr. ELLISON.
H.R. 2634: Ms. CLARKE and Mr. SARBANES.
H.R. 2694: Ms. CLARKE.
H.R. 2702: Mr. DELAHUNT.
H.R. 2712: Mr. STEARNS.
H.R. 2744: Ms. GIFFORDS, Mr. MARIO DIAZ-BALART of Florida, Ms. GINNY BROWN-WAITE of Florida, Mrs. GILLIBRAND, Mr. JOHNSON of Illinois, Mr. SESTAK, Mr. LYNCH, Mr. GONZALEZ, and Mr. ETHERIDGE.
H.R. 2805: Mr. POMEROY, Mr. FARR, and Mr. OBERSTAR.
H.R. 2820: Mr. PAYNE, and Ms. JACKSON-LEE of Texas.
H.R. 2859: Mr. CROWLEY.
H.R. 2866: Mrs. SCHMIDT.
H.R. 2885: Mr. ROSKAM and Mr. BARRETT of South Carolina.
H.R. 2915: Mr. BERMAN, and Ms. ESHOO.
H.R. 3010: Mr. ENGLISH of Pennsylvania and Mr. COURTNEY.
H.R. 3054: Mr. WYNN.
H.R. 3080: Mr. CUMMINGS, Mr. CHABOT, and Mr. MCINTYRE.
H.R. 3132: Ms. DELAURO.
H.R. 3223: Mr. MORAN of Virginia.
H.R. 3257: Mr. MEEKS of New York, Ms. SLAUGHTER, and Ms. HOOLEY.
H.R. 3298: Mr. HILL.
H.R. 3327: Mr. BROWN of South Carolina.
H.R. 3329: Mr. UDALL of New Mexico and Mr. BACA.
H.R. 3345: Mr. SCOTT of Virginia.
H.R. 3347: Ms. SCHAKOWSKY and Mr. JOHNSON of Georgia.
H.R. 3357: Mr. WAXMAN.
H.R. 3378: Mr. JOHNSON of Georgia.
H.R. 3404: Mr. ROTHMAN.
H.R. 3423: Mr. TOWNS and Mr. HINCHEY.
H.R. 3430: Mr. JOHNSON of Georgia and Mr. MILLER of North Carolina.
H.R. 3438: Mr. SIRES.
H.R. 3439: Mr. HINCHEY, Ms. DELAURO, Mr. HARE, Mr. ETHERIDGE, and Mr. MEEKS of New York.
H.R. 3452: Mr. WYNN.
H.R. 3457: Ms. RICHARDSON.
H.R. 3464: Mr. WYNN.
H.R. 3466: Mr. WILSON of Ohio.
H.R. 3498: Mr. SPACE.
H.R. 3543: Mr. SCOTT of Virginia and Ms. MCCOLLUM of Minnesota.
H.R. 3546: Mr. ROSS and Mr. TERRY.
H.R. 3548: Mr. LEWIS of Georgia.
H.R. 3645: Mr. RYAN of Ohio.
H.R. 3652: Mr. GEORGE MILLER of California, Ms. MOORE of Wisconsin, Mr. MCDERMOTT, Mr. THOMPSON of Mississippi, Mr. DINGELL, Ms. LEE, and Mr. CLEAVER.
H.R. 3660: Mr. GRAVES and Mr. MICHAUD.
H.R. 3681: Mr. BOUCHER.
H.R. 3691: Mr. THOMPSON of California.
H.R. 3711: Ms. HERSETH SANDLIN.
H.R. 3724: Ms. JACKSON-LEE of Texas.
H.R. 3748: Mrs. BOYDA of Kansas and Mr. MEEKS of New York.
H.R. 3753: Mr. MCDERMOTT.
H.R. 3774: Mr. JOHNSON of Georgia.
H.R. 3797: Mr. SHAYS.
H.R. 3819: Mr. MORAN of Kansas, Ms. JACKSON-LEE of Texas, Mr. PEARCE, Mr. GOODE, Mrs. GILLIBRAND, and Mr. SMITH of Washington.
H.R. 3829: Mr. BERMAN.
H.R. 3846: Mrs. JONES of Ohio.
H.R. 3852: Mr. GORDON.
H.R. 3876: Ms. ZOE LOFGREN of California.
H.R. 3896: Mr. MCGOVERN, Ms. SUTTON, Ms. MATSUI, and Mr. RYAN of Ohio.
H.R. 3905: Mr. TOWNS and Mr. HONDA.
H.R. 3934: Mr. ROSS, Mr. WESTMORELAND, Mr. LYNCH, and Mr. MCINTYRE.
H.R. 3938: Mr. GONZALEZ, Mr. BRADY of Pennsylvania, and Mr. WYNN.
H.R. 4001: Mr. ETHERIDGE.
H.R. 4048: Mr. HONDA.
H.R. 4054: Ms. SHEA-PORTER.
H.R. 4063: Mr. MEEKS of New York.
H.R. 4102: Mr. FRANK of Massachusetts, Mr. MCDERMOTT, and Mr. PASTOR.
H.R. 4105: Mr. EHLERS and Mr. COSTELLO.
H.R. 4107: Mr. HINCHEY and Ms. HIRONO.
H.R. 4116: Mr. BOOZMAN, Mr. RUSH, Mr. KELLER, and Mr. MARCHANT.
H.R. 4130: Mr. PLATTS.
H.R. 4139: Mr. CHANDLER.
H.R. 4149: Ms. HERSETH SANDLIN, Mr. CARDOZA, and Mr. ELLISON.
H.R. 4202: Mr. GUTIERREZ.
H.R. 4205: Mrs. CAPPS.
H.R. 4206: Mr. UDALL of New Mexico.
H.R. 4207: Mr. PASTOR.
H.R. 4221: Ms. SCHAKOWSKY.
H.R. 4251: Mr. PASTOR and Mr. GRIJALVA.
H.R. 4264: Mr. HASTINGS of Florida.
H.R. 4266: Mr. CLEAVER.
H.R. 4279: Mr. WATT.
H.R. 4280: Mrs. BONO MACK.
H.R. 4296: Mr. PAYNE, Mr. TIM MURPHY of Pennsylvania, Mr. BUTTERFIELD, and Mr. BLUMENAUER.
H.R. 4308: Mr. BOUCHER.
H.R. 4318: Mr. MCDERMOTT and Mr. MCINTYRE.
H.R. 4335: Mr. BLUMENAUER.
H.R. 4336: Mr. BRADY of Pennsylvania, Mr. CHANDLER, Mr. GONZALEZ, and Mr. CONYERS.
H.R. 4449: Mr. EHLERS, Ms. BALDWIN, Mr. MATHESON, Ms. CORRINE BROWN of Florida, Mr. BRADY of Pennsylvania, Mr. HINOJOSA, Mr. MARKEY, and Mr. TIERNEY.
H.R. 4611: Ms. SCHAKOWSKY and Mr. MCDERMOTT.
H.R. 4831: Mr. HAYES.
H.R. 4838: Ms. SLAUGHTER, Mr. OLVER, and Mr. UDALL of Colorado.
H.R. 4848: Mr. ANDREWS, Mr. DINGELL, Mr. RANGEL, Mr. GEORGE MILLER of California, and Mr. EMANUEL.
H.R. 4882: Ms. SCHAKOWSKY.
H.R. 4900: Mr. JONES of North Carolina, Mr. MCCOTTER, Mr. CANNON, Mr. CHABOT, Mr. FRANKS of Arizona, Mrs. SCHMIDT, and Mr. COBLE.
H. R. 4915: Mr. BURGESS.
H.R. 4926: Mr. CHANDLER, Mr. GRIJALVA, Mr. SIRES, Mr. MEEKS of New York, Ms. SOLIS, Mr. ROSS, Mr. WYNN, and Ms. WATSON.
H.R. 4930: Mr. HALL of New York, Mr. MCCOTTER, Mrs. GILLIBRAND, Mr. GRAVES, Mr. OBERSTAR, Mr. SMITH of New Jersey, Mr. INGLIS of South Carolina, and Mr. SMITH of Washington.
H.R. 4934: Ms. WOOLSEY, Mr. HOLT, Ms. LEE, Ms. SOLIS, Mr. BOSWELL, Mr. WATT, Mr. KAGEN, Mr. BISHOP of New York, Mr. COURTNEY, Ms. DELAURO, Mr. RYAN of Ohio, Mr. CUMMINGS, Mr. KUCINICH, Mr. HONDA, Mr. JOHNSON of Georgia, Mr. CONYERS, and Mr. TOWNS.
H.R. 4936: Mr. TOWNS and Mr. CONYERS.
H.R. 4959: Mr. FATTAH, Ms. WOOLSEY, Mr. WELCH of Vermont, Ms. ZOE LOFGREN of California, Ms. NORTON, Mr. OLVER, Mr. BRADY of Pennsylvania, Mrs. MALONEY of New York, Mr. FRANK of Massachusetts, Mr. HASTINGS of Florida, Ms. SLAUGHTER, Ms. LINDA T. SÁNCHEZ of California, Mr. PAYNE, Mr. ROTHMAN, Mr. MURPHY of Connecticut, and Mr. CONYERS.
H.R. 4995: Mr. SHUSTER, Mr. MANZULLO, and Mr. PUTNAM.
H.R. 5036: Ms. CLARKE, Mr. PASTOR, Mr. CHANDLER, Mr. BECERRA, Mr. COHEN, Mr. KILDEE, Mr. PATRICK MURPHY of Pennsylvania, Mr. BARROW, and Ms. LINDA T. SÁNCHEZ of California.
H.R. 5038: Mr. WEXLER, Mr. SCOTT of Virginia, and Mr. MCDERMOTT.
H.R. 5056: Mr. MCDERMOTT.
H.R. 5057: Mr. DAVIS of Illinois, Mr. SENSENBRENNER, Mr. SCOTT of Virginia, Mr. GOODLATTE, Mr. KENNEDY, Mr. WEXLER, Mr. TOWNS, Mr. FARR, Ms. HIRONO, Mr. GUTIERREZ, Mr. ELLISON, and Mr. MEEKS of New York.
H.R. 5058: Mr. HALL of New York, Mr. MOORE of Kansas, Mr. CLAY, Mr. FRANK of Massachusetts, Mr. WAXMAN, Mr. LEWIS of Georgia, Mr. HONDA, Ms. MCCOLLUM of Minnesota, Ms. RICHARDSON, Mr. DOGGETT, Ms. CLARKE, Ms. KILPATRICK, and Mr. MITCHELL.
H.R. 5060: Mr. MEEKS of New York.
H.R. 5087: Mr. SESTAK, Mr. ALTMIRE, Mr. MARSHALL, and Mr. WALZ of Minnesota.
H.R. 5107: Mr. HODES, Mr. SPACE, Mr. YARMUTH, Ms. GIFFORDS, and Mrs. GILLIBRAND.
H.R. 5109: Mr. WESTMORELAND and Mr. FORBES.

H.R. 5110: Mrs. BOYDA of Kansas, Mr. GRIJALVA, Mr. FARR, and Mr. WILSON of Ohio.

H.R. 5128: Mr. LEWIS of Georgia, Mr. ABERCROMBIE, Mr. BRADY of Pennsylvania, Mr. HOLT, Mr. FARR, Mr. FILNER, and Mr. CONYERS.

H.R. 5130: Mr. JEFFERSON and Ms. MOORE of Wisconsin.

H.R. 5148: Mr. SESSIONS, Mr. FOSSELLA, Mr. BRADY of Pennsylvania, Mr. BURTON of Indiana, Mr. YOUNG of Alaska, Mr. CARTER, Mr. GOODE, Mr. GORDON, Mr. PEARCE, Mr. ROHRABACHER, Mr. ROGERS of Michigan, Mr. KUHL of New York, Mrs. Christensen, and Mr. PAUL.

H.R. 5161: Mr. CHANDLER and Ms. HOOLEY.

H.R. 5167: Mr. HINCHEY.

H.R. 5172: Mr. KUHL of New York, Mr. YOUNG of Alaska, Mr. MCNERNEY, Mr. WALZ of Minnesota, Mrs. GILLIBRAND, Mr. MAHONEY of Florida, Mr. PATRICK MURPHY of Pennsylvania, Mr. HODES, and Mr. COURTNEY.

H.R. 5178: Ms. EDDIE BERNICE JOHNSON of Texas, Ms. BORDALLO, Mr. CUMMINGS, Mr. ELLISON, and Ms. LINDA T. SÁNCHEZ of California.

H.R. 5179: Mr. CUMMINGS, Mr. JEFFERSON, and Mr. HONDA.

H.R. 5181: Mr. CUMMINGS.

H.J. Res. 70: Mr. SALI.

H.J. Res. 76: Mr. TIM MURPHY of Pennsylvania.

H. Con. Res. 137: Mr. LUCAS.

H. Con. Res. 163: Mr. PORTER, Mr. PAYNE, Mr. BISHOP of Georgia, Mr. LEWIS of Georgia, Ms. FALLIN, Ms. BERKLEY, Mr. ALLEN, and Mr. KENNEDY.

H. Con. Res. 244: Mr. LUCAS, Mr. GERLACH, Mr. MATHESON, Mr. MCCOTTER, Mr. NUNES, and Mr. RANGEL.

H. Con. Res. 253: Ms. EDDIE BERNICE JOHNSON of Texas.

H. Con. Res. 263: Mr. DREIER, Mr. ROGERS of Michigan, Mr. MANZULLO, Mr. SAM JOHNSON of Texas, Mr. FERGUSON, Mr. SHAYS, and Mr. HALL of Texas.

H. Con. Res. 276: Mr. BISHOP of New York and Mr. ENGLISH of Pennsylvania.

H. Con. Res. 280: Mrs. CAPPS, Mr. COHEN, Mr. BACA, and Ms. CASTOR.

H. Con. Res. 283: Mr. SMITH of New Jersey, Mr. BUTTERFIELD, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. CUMMINGS, Mr. TOWNS, Mr. RANGEL, Ms. CORRINE BROWN of Florida, Mr. BISHOP of Georgia, Mr. JEFFERSON, Mr. COSTA, Mrs. CHRISTENSEN, Mr. ELLISON, Ms. CLARKE, Mr. WATT, Mr. CROWLEY, Mr. RUSH, Mr. WYNN, Mr. LEWIS of Georgia, Mr. SHAYS, Ms. LEE, Mr. WOLF, Mr. JOHNSON of Georgia, Ms. WOOLSEY, Mr. LANTOS, Ms. JACKSON-LEE of Texas, Mr. DAVIS of Illinois, Mr. FATTAH, Mr. AL GREEN of Texas, and Ms. WATERS.

H. Con. Res. 285: Ms. LINDA T. SÁNCHEZ of California.

H. Con. Res. 286: Mr. BISHOP of Georgia, Ms. LEE, Mr. FATTAH, Mr. COHEN, Mr. RANGEL, and Mr. WYNN.

H. Con. Res. 287: Mr. ROHRABACHER and Ms. GIFFORDS.

H. Res. 49: Mr. MARCHANT, Mr. CRENSHAW, Mr. FOSSELLA, Mr. TOWNS, Mr. DOYLE, and Mr. WILSON of Ohio.

H. Res. 76: Ms. SCHAKOWSKY and Mr. CONYERS.

H. Res. 102: Mr. PETERSON of Minnesota.

H. Res. 146: Ms. SUTTON, Mr. MCDERMOTT, and Mr. MURPHY of Connecticut.

H. Res. 185: Mr. FORTUÑO and Mr. TOWNS.

H. Res. 212: Mr. SHAYS.

H. Res. 339: Mr. MARCHANT, Mr. PAYNE, Mr. HILL, and Mr. DEFAZIO.

H. Res. 783: Mr. ELLSWORTH.

H. Res. 848: Mr. BOOZMAN.

H. Res. 854: Mr. FORTUÑO and Mr. MCCOTTER.

H. Res. 892: Mr. DAVIS of Kentucky.

H. Res. 896: Mr. TOWNS.

H. Res. 907: Mr. BARTLETT of Maryland and Mr. ROHRABACHER.

H. Res. 909: Ms. LEE and Mr. MCCOTTER.

H. Res. 929: Mr. JONES of North Carolina.

H. Res. 930: Mr. WILSON of Ohio and Mr. LANGEVIN.

H. Res. 931: Mr. MCHUGH, Mr. SOUDER, and Mr. LAMBORN.

H. Res. 934: Mr. SESSIONS, Mr. PAUL, Mr. CARTER, Mr. CONAWAY, Mr. ORTIZ, Mr. BRADY of Texas, Mr. EDWARDS, Mr. SMITH of Texas, Mr. MARCHANT, Mr. HINOJOSA, Mr. HALL of Texas, Mr. AL GREEN of Texas, Mr. CULBERSON, and Mr. LAMPSON.

H. Res. 939: Mr. GONZALEZ.

H. Res. 942: Mr. DONNELLY, Ms. LINDA T. SÁNCHEZ of California, and Mr. BACA.

H. Res. 943: Mr. ROHRABACHER, Mr. HARE, Mr. CALVERT, Mr. CULBERSON, Mr. WELDON of Florida, and Ms. GIFFORDS.

H. Res. 946: Mr. MCHUGH.

H. Res. 947: Mr. KING of New York, Mr. SCHIFF, Mr. TOWNS, Mr. CROWLEY, Mr. SESSIONS, Ms. BORDALLO, Mr. KIRK, and Mr. SIRES.

H. Res. 951: Mr. ALEXANDER, Mrs. BLACKBURN, Mr. BROUN of Georgia, Mr. BURTON of Indiana, Mr. CANTOR, Mr. CROWLEY, Mr. CULBERSON, Ms. FALLIN, Mr. FEENEY, Mr. FORTUÑO, Ms. FOXX, Mr. GINGREY, Mr. GOHMERT, Mr. GOODLATTE, Mr. HASTINGS of Florida, Mr. HOEKSTRA, Mr. KIRK, Mr. KNOLLENBERG, Mr. KUHL of New York, Mr. LAMBORN, Mr. LOBIONDO, Mr. MACK, Mr. MCHENRY, Mr. PENCE, Mr. POE, Mr. PORTER, Mr. PRICE of Georgia, Mrs. MCMORRIS RODGERS, Mr. SESSIONS, Mr. SHUSTER, Mr. TANCREDO, Mr. TIBERI, Mr. WALBERG, Mr. MOORE of Kansas, Mr. SHAYS, Mr. WYNN, Mr. WELLER, and Mr. SHADEGG.

H. Res. 953: Mr. FORTUÑO, Mr. BISHOP of Georgia, Mr. BURGESS, Mr. GRAVES, Mr. WILSON of South Carolina, Mr. CULBERSON, Mr. GORDON, Mr. ADERHOLT, Mr. GONZALEZ, Mr. BRADY of Pennsylvania, Mr. SPACE, Mr. ROGERS of Michigan, Mr. GINGREY, Mr. CARNEY, Mr. ENGLISH of Pennsylvania, Mr. RADANOVICH, and Mr. PICKERING.

H. Res. 954: Mr. SENSENBRENNER, Mr. GOHMERT, Mr. MITCHELL, Mr. HARE, Mr. BROUN of Georgia, Mr. MCCAUL of Texas, and Mr. SHAYS.

## CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, OR LIMITED TARIFF BENEFITS

Under clause 9 of rule XXI, lists or statements on congressional earmarks, limited tax benefits, or limited tariff benefits were submitted as follows:

The amendment to be offered by Representative George Miller of California or a designee, to H.R. 4137, the College Opportunity and Affordability Act, does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of rule XXI.

United States of America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 110th CONGRESS, SECOND SESSION

Vol. 154 WASHINGTON, WEDNESDAY, FEBRUARY 6, 2008 No. 19

# Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable BENJAMIN L. CARDIN, a Senator from the State of Maryland.

PRAYER

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

Let us pray.

Almighty God, Heavenly Father, open our hearts to Your movement in our midst. As we trust Your providence and cling to Your promises, give us wisdom and spiritual vision to see You at work.

Today, I claim for our lawmakers Your promise through Jeremiah: Call to Me, and I will answer you, and show you great and mighty things which you do not know.

Lord, keep our Senators from being intimidated by the challenges they face. Clothe them with the armor of integrity, shield them with Your truth, and guide them with Your power. Help them to please You by living holy and peaceful lives. Give them a hunger for Your words and a desire to apply Your knowledge in their daily walk.

We pray in Your precious Name. Amen.

## PLEDGE OF ALLEGIANCE

The Honorable BENJAMIN L. CARDIN led the Pledge of Allegiance, as follows:

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

## APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
*Washington, DC, February 6, 2008.*

*To the Senate:*

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

ROBERT C. BYRD,
*President pro tempore.*

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

## RECOGNITION OF THE MAJORITY LEADER

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

## SCHEDULE

Mr. REID. Mr. President, it is a big day today. Our three Presidentials are going to be here, and we have a 5:45 vote. We are looking forward to that. We don't see them as much as we used to.

Following my remarks today and those of the Republican leader, there will be an hour of morning business, equally divided, with Senators permitted to speak therein for up to 10 minutes each. The majority will control the first half and the Republicans will control the second half.

Following morning business, the Senate will resume consideration of the Foreign Intelligence Surveillance Act, as under the previous order. Rollcall votes may occur throughout the day in relation to FISA amendments. As I mentioned, there will be a 5:45 p.m. cloture vote on the Finance Committee amendment to the economic stimulus. Second-degree amendments to the finance amendment are due by 4 p.m. today.

## VIOLENT STORMS

Mr. REID. Mr. President, being from the desert and seeing, on occasion, storms in the northern part of the State, it is hard for me to understand the power of nature we see so often—and that we see more often than we used to with these tornadoes occurring throughout this country.

Last night and this morning, violent storms raged through five States, including Alabama, Arkansas, Kentucky, Mississippi, and Tennessee. They were violent. It appears there will be more than 50 people declared dead, scores of people have been injured, and there was a tremendous loss of personal property. Our thoughts, of course, this morning go out to the victims. We, in all our States, have had occurrences relating to natural disasters. But I think we should all pause and think about the lives of these people who have been snuffed away by this violent set of storms throughout the country and the loss to their loved ones, their neighbors, and their families.

We have heard reports this morning of how our first responders reacted. The police, firefighters, and National Guard medics worked through the night, around the clock, to save lives. The latest event we had in Nevada was so minor compared to this. We had a levy break and flood waters inundated hundreds of homes. We were very concerned about that. But the one thing we did recognize is how the police, firefighters, and other first responders reacted so quickly. What took place last night is so much more significant than what we had in Nevada. It is difficult to comprehend the severity of what happened last night. The work of the first responders, and others, will continue around the clock for some time. Rebuilding will begin and I am confident that, as a congressional body, we will be called upon to help in some form or fashion.

THE ECONOMY

Mr. President, the top priority of this Congress right now is to bring relief to Americans who are struggling through a troubled economy. One need only listen to the morning news, as I did, to

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



Printed on recycled paper.

see that the economy is stumbling and staggering. The stock market fell by 3 percent yesterday. The Japanese markets, after that—we got reports today on that—fell by almost 5 percent. The European markets are down.

Today, our work continues to try to focus attention on this troubled economy, to try to help in some way. As I have indicated, at 5:45, we will hold a cloture vote on the plan to proceed to the Senate Finance Committee's economic stimulus plan. I spread on the record of this body last night editorials from around the country supporting the Senate stimulus plan. It is the one that will get money into the pockets of people who need it and will spend it very quickly. This is in no way to denigrate the House plan. It was only a start.

Why do we need a stimulus plan? Look at the stock market, look at the rising gasoline prices, heating for our homes, and the housing crisis, the foreclosure rate, which is more than 600 percent in Reno, NV. It is 275, on average, in Florida. It is more than 300 percent in California, with 37 million people. The Labor Department's recent jobs report showed the economy lost 17,000 jobs in January. That is a few of the problems we should be concerned about.

Whether American families are investing in the market—some are and some aren't—the gathering storm clouds point to the need for Congress to take action.

The Finance Committee's plan builds on the House bill and makes it better. I repeat, this is not HARRY REID speaking, it is from all over the country, talking about the need to do something quickly and focus attention on the Senate stimulus plan.

A couple of my friends on the other side have talked about why didn't we do this. One referred to what we have in the stimulus package as ''Christmas tree ornaments.'' Another referred to them as ''pet projects.'' I have to plead guilty to the pet projects.

Providing rebate checks to 21.5 million seniors is a pet project of mine. I think it is a good program. All 51 Democrats agree it is a pet project we all support. Providing rebate checks to 250,000 wounded American veterans is another of my pet projects. Give the money to the seniors and to the wounded American veterans and they will spend it. Providing tax incentives to small and large businesses is also a pet project. Why? Because it will stimulate the economy and give them the money and they will spend it.

I was at a breakfast at 8 o'clock this morning. We had a number of groups there, but the homebuilders were there. They are out in force. They have covered Washington. They are focusing attention on Republican Senators because this legislation is the most important legislation for the homebuilding industry to come about in the past decade. This is important legislation. The homebuilders have representatives in Washington trying to help them.

One of the pet projects we have is extending unemployment benefits to people who have been out of work for a long time. I very much appreciate the homebuilders being advocates for our Senate stimulus package.

Those who are unemployed don't have anyone here. They don't have lobbyists calling for Republican Senators to support it. This is the package we got from the Senate Finance Committee. This is an important part of the stimulus package—to give rebates to people who are out of work and have been for an extended period of time. They will spend it.

Helping Americans struggling to pay their heating bills through the LIHEAP is a pet project. I have supported this project for years. We support this project. You give these people the money and they will spend it—and they will spend it now.

The growing housing crisis is certainly a pet project of mine, as indicated by the statistics we have in Reno, NV, and other places in Nevada. We should join to build on the House bill. The bill that comes from the House has to go to conference anyway because there is language in the House bill dealing with people who are undocumented who would have benefits.

I hope we can join to put this package out as quickly as possible, take it to conference and work with the President and come up with something better than the House bill.

The stimulus package will put money in the pockets of those who will spend it and help our country recover from this troubled economy. We are in for a long, slow grind, but we can shorten it by doing something to stimulate the economy now. The Senate Finance Committee package does that. It is bipartisan, and it needs to be done as quickly as possible.

## RECOGNITION OF THE REPUBLICAN LEADER

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

## WINTER STORMS

Mr. MCCONNELL. Mr. President, I will start the day by acknowledging the tragedy that has befallen several States in the South, including my own State of Kentucky.

According to news reports, rare winter storms struck across Kentucky, Arkansas, Tennessee, and Mississippi. News reports indicate at least 44 people have been killed, and 7 of those were in my State—4 in Allen County, which is along the Tennessee border, and 3 in Greenville, which is in Muhlenberg County in the western part of our State.

Thousands more are left with damage or destroyed property or are without power. The authorities are still working to determine the extent of the damage.

I ask my colleagues to join me in praying for the families of the victims and to all who have been touched by these terrible storms. State and local officials are working as hard as they can to survey the destruction and get help to anybody who needs it.

## STIMULUS PACKAGE

Mr. MCCONNELL. Mr. President, it has been 19 days since the President called for a stimulus plan, and economists called for swift action on it.

Republicans and Democrats in the House got the message, and they made some hard choices, showed restraint, and forged a bipartisan compromise literally within days.

Unfortunately, Senate Democrats didn't follow suit. They turned the idea into political gamesmanship, with the head of their campaign committee calling for ''tough votes.''

The American people are tired of political ''gotcha.'' We don't have time for it. The economy needs a boost right now. So I think we need to step back and ask ourselves what this exercise was all about in the first place.

My preference is to modify the House package to include rebate checks for seniors and disabled veterans and certainly eliminate the possibility that any illegal immigrants will get checks.

The White House and Treasury Secretary have indicated support for such a plan, so we can expect it will be signed into law.

Meanwhile, we have no such assurance for the alternative, larger proposal Senate Democrats apparently are still hashing out. We read this morning that ''negotiations are still ongoing'' among Democrats about what to include in the final package.

We started out united behind a proposal to help struggling taxpayers and stimulate the economy. Now some are insisting on a plan that might not even be signed into law.

However, there is still another choice. We can still pass a bill that is targeted and timely and which helps seniors and disabled veterans—and that is the amendment I will be offering later today with Senator STEVENS.

The Reid amendment, on the other hand, might not even get signed.

So should the Reid amendment fail, we should immediately move to include seniors and disabled veterans, exclude those who are not legal citizens, and then quickly send this good, bipartisan, House-passed bill, as amended, back to the House, which I am sure will pass it quickly, and send it to the White House for signature. To do less would break faith with the American people who were told nearly 3 weeks ago they could expect relief quickly.

I urge my colleagues and the whole body to support it so we can deliver timely help to the American people.

Mr. President, I yield the floor.

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 up to 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 majority in control of the first half and the Republicans in control of the final half.

The Senator from New Mexico is recognized.

FOREST LANDSCAPE RESTORATION ACT

Mr. BINGAMAN. Mr. President, yesterday I introduced legislation that has been given the number S. 2593, the Forest Landscape Restoration Act of 2008. I developed this legislation with Senators DOMENICI and FEINSTEIN, who are cosponsors of the bill. We also have as cosponsors Senators ALLARD, WYDEN, SALAZAR, CANTWELL, CRAIG, AKAKA, and CRAPO. I also am pleased to point out that Chairman GRIJALVA in the House of Representatives is introducing a companion bill, and I look forward to working with him as his subcommittee in the Natural Resources Committee moves forward with that bill.

This legislation 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 throughout our country. 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 that we have seen literally on millions of acres of national forest and other lands. To address these problems, it is critical that we begin trying to restore our forests on a landscape scale.

Landscape-scale restoration is key for controlling wildfire suppression costs. It is an important component of successful economic development. It is important for the health of many of our forest ecosystems.

Despite the importance of landscape-scale restoration, neither the National Fire Plan nor the Healthy Forest Restoration Act nor any of the other efforts we have made to date 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.

To address that 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. Mr. President, $40 million is not nearly enough money to fund landscape-scale treatments in all of the forest landscapes that need restoration, but it is a realistic amount for us to pursue at this time, 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. Instead, it adds to existing efforts by creating a program that will make planning, funding, and carrying out at least a handful of these landscape-scale restoration projects possible.

Again, I thank Senators DOMENICI and FEINSTEIN and the other cosponsors of this legislation for working with me on this bill. I also thank the many stakeholders from across the spectrum for their input on the legislation, including the Nature Conservancy which has been very supportive of this effort.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The assistant majority leader.

ECONOMIC STIMULUS PACKAGE

Mr. DURBIN. Mr. President, I thank the majority leader, Senator REID, who was here earlier today talking about the economic stimulus package. What I have tried to do is to understand at this moment where the Republicans are, and it is hard to follow because initially there was agreement between the Republican and Democratic leaders in the House—Speaker PELOSI, Congressman BOEHNER, and Secretary Paulson of the Bush administration. They came up with the notion that to get the economy moving forward, we should send a rebate check of about $600 for individuals and $1,200 for families and additional money for children across the country, which is certainly an excellent starting point because the administration was persuaded to include the lower income families across America, and there were limits on family income as to eligibility.

The Senate Finance Committee took up this proposal from the House and suggested a few changes. I think each one of them is a positive change. For instance, they said: Let's include 21 million seniors receiving Social Security checks. If the idea is to put the money in the hands of people who will spend it, certainly our seniors on fixed incomes, many who struggle with utility bills, keeping their homes warm, paying for gasoline, the cost of food and prescription drugs, they can use the money. An additional $500 or $600 will be spent by them. That was included in the Senate finance package. That was not in the original House version. I think that is a positive improvement.

Then they also said: If we are talking about groups of people who should be recognized, those disabled veterans from previous conflicts and certainly from Iraq and Afghanistan should be included as well. There is argument here. Those men and women certainly deserve special consideration for all they have given to America. So that was added to the House version of the bill on the part of the Senate Finance Committee.

Then they went to another category, and this is one the economists say is a very important category: people who are currently unemployed, those folks looking for jobs, many of whom are struggling to keep their families together while they find a job after they have been laid off from previous employment. If they receive additional money, economists say they are most likely to spend it in a hurry. So they encouraged us to include them in the relief we are providing with this tax rebate.

I have been listening carefully to see if our Republican colleagues believe these people deserve help as well. I am beginning to believe this is the real problem the Republicans have. They are concerned about giving additional money to people who are currently unemployed. Yesterday, one Senator from Texas on the Republican side said that just encourages them not to find work. I took a look at the amount of money that is paid to people on unemployment. It is hard to believe that is the kind of money that will lead to a life of leisure, where you decide: Heck, I don't need a job; I have unemployment benefits.

It turns out that unemployment benefits are not that generous—$500 a week would be a big number, and for many it is a lot less. If we suggest people will stop working with that kind of income, I think it overlooks the obvious. Many people in lower income categories struggle from paycheck to paycheck. Losing a job creates a family emergency. What we are talking about is whether we should provide additional help to those unemployed. This has been done before. It is not a new concept. In fact, historically, if you want to fire up the economy and put spending power in the hands of people across America, helping the unemployed is one of the first places you turn.

The way the Finance Committee does it is to extend unemployment benefits, currently at 13 weeks, another 13 weeks, which will be another 3 months or so, except for States with the highest unemployment, and then they would be extended another 26 weeks

total. That is a way of providing special help in areas of high unemployment.

I took a look at the estimated number of people who will exhaust their jobless benefits State by State. In my State, it is 57,000 people. Let's take a look at a State such as Senator MCCONNELL's State of Kentucky: 11,458 people will see their unemployment benefits end unless we enact this Senate Finance Committee version of the bill; Arizona, Senator KYL's home State, 18,846. Let's go down to Texas where Senator CORNYN says he thinks this encourages people not to look for work: 49,000 people are about to lose their unemployment insurance benefits.

The point is, unemployment is at a relatively low level in this country, according to Senator KYL. These are his words:

> Unemployment is at a relatively low level in this country, and it would be a huge mistake to exacerbate the unemployment situation by extending unemployment benefits.

I am quoting from a statement that Senator KYL made, not Senator CORNYN. I want to make that correction for the record. Senator KYL was the one who questioned the wisdom of extending unemployment benefits.

So in Senator KYL's home State, it appears that 18,846 people are about to see their unemployment benefits come to an end, and he, I assume from his argument, believes that is a good thing because now this will prod them into looking for work, and he is not supporting extension of these unemployment benefits for 18,846 people in his home State.

That has become one of the major elements of debate in terms of whether the Republicans will support the Senate Finance Committee version. Let me add, it was a bipartisan vote that brought the bill out of committee—Senator GRASSLEY of Iowa, joining with, I believe, Senator SMITH of Oregon and Senator SNOWE of Maine, if I am not mistaken. All three voted for the Senate Finance Committee version of the bill that was brought to the floor.

Let's take a look at some other States where unemployment benefits might be important. In the State of Mississippi, 7,819 are about to lose their unemployment benefits unless the Senate finance version passes as an economic stimulus. As I mentioned, in my home State of Illinois, 57,000 are looking for assistance in that regard.

As I go through this list—North Carolina is another good example. North Carolina, 48,000 people in the State, obviously suffering from some high unemployment, are about to lose their unemployment benefits. The State of Ohio, 35,320 otherwise will lose their unemployment benefits.

Mr. President, I ask unanimous consent to have printed in the RECORD this table so all the States, based on the current U.S. Department of Labor data, will be reported officially in the RECORD.

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

| State | Estimated number of people that will exhaust State jobless benefits (January to June 2008) |
|---|---|
| Alabama | 12,510 |
| Alaska | 6,913 |
| Arizona | 18,846 |
| Arkansas | 16,505 |
| California | 218,496 |
| Colorado | 12,996 |
| Connecticut | 17,250 |
| Delaware | 3,776 |
| D.C. | 4,769 |
| Florida | 86,092 |
| Georgia | 39,826 |
| Hawaii | 2,654 |
| Idaho | 5,151 |
| Illinois | 57,093 |
| Indiana | 33,598 |
| Iowa | 8,736 |
| Kansas | 7,754 |
| Kentucky | 11,458 |
| Louisiana | 11,140 |
| Maine | 4,019 |
| Maryland | 15,848 |
| Massachusetts | 34,275 |
| Michigan | 72,136 |
| Minnesota | 19,237 |
| Mississippi | 7,819 |
| Missouri | 17,727 |
| Montana | 2,996 |
| Nebraska | 6,009 |
| Nevada | 15,645 |
| New Hampshire | 1,848 |
| New Jersey | 66,415 |
| New Mexico | 6,142 |
| New York | 84,866 |
| North Carolina | 48,245 |
| North Dakota | 1,562 |
| Ohio | 35,320 |
| Oklahoma | 7,515 |
| Oregon | 20,695 |
| Pennsylvania | 58,976 |
| Rhode Island | 7,038 |
| South Carolina | 21,960 |
| South Dakota | 304 |
| Tennessee | 22,037 |
| Texas | 49,104 |
| Utah | 4,029 |
| Vermont | 1,763 |
| Virginia | 17,076 |
| Washington | 18,253 |
| West Virginia | 4,179 |
| Wisconsin | 32,401 |
| Wyoming | 1,147 |
| Total | 1,282,149 |

Source: U.S. Department of Labor data.

Mr. DURBIN. Mr. President, as this economy continues to deteriorate and we see these wild gyrations in the stock market, there are a lot of people concerned. Yesterday, the stock market went down over 300 points. I know it has its good days and bad days, but it has had more bad days than good days for a long time.

A lot of people in days gone by paid little or no attention to the stock market. My mom and dad did not own a share of stock during their married life. They were too busy raising three kids. They could not afford anything like that. If they could put a few bucks in the savings account to save up for the next used car, that is all they looked forward to.

A lot of people view it differently because that stock market reflects the value of 401(k) plans, IRAs, retirement plans, and savings that people count on in years to come. When the stock market is heading south, people are looking at it in worried terms.

What we are trying to do is invigorate this economy and get it moving again. For the longest time, the Republicans have argued that the best way to invigorate the economy in good times and bad is to give tax cuts to the wealthiest people in America. They have this notion that if wealthy people have more money, they somehow will fire up the economy.

I come from a different economic school. It started with Principles of Economics that I took at Georgetown University not too far from here when Father Zyrinyi came into our class and explained the marginal propensity to save. If you are a wealthy person, you are more likely to save the next dollar handed to you than a poor person, who is more likely to spend it. So if you want to get the economy going and fired up, you would give as many dollars as you can to those in lower income categories.

Historically, the Republican approach has been just the opposite: Give the tax cuts, give more spending power to people who are wealthier—folks who have not asked for it and folks who, in many cases, do not need it. In my opinion, a tax code, if it is to be fair, is going to be progressive and say to those struggling at the lower ends—the working families and middle-income families—let's be generous to them because they are the ones living paycheck to paycheck.

Well, now the chickens have come home to roost with this economy. As the economy is heading downward, the Bush administration has discovered poor people. They have discovered working families. It is no longer just a matter of tax cuts for people making over $300,000 or $400,000 a year.

So if we are going to be sensible and really want to enliven this economy, the unemployment benefits are the obvious place to turn. Extending unemployment benefits is not only humane and moral for families out of work, but it works to try to breathe some life into this economy and start more consumer demand and, with that consumer demand, the expansion of business and the expansion of employment and profits and ultimately an improvement in the stock market. That is just fundamental Keynesian economics that we have studied over the years.

This resistance on the Republican side to helping unemployed people is troublesome. It is the same mindset that was in vogue on the Republican side for years when they opposed increasing the basic minimum wage in this country. That used to be bipartisan. It wasn't politically dogmatic to be against increasing the minimum wage. Even Republican Presidents did. But then came this new mindset which said that even if people are working for a small amount of money, they can just get another job if they need to get by. That is hardly consistent with family values, but it prevailed. Over a long period of time—10 years, in fact—there was no increase in the Federal minimum wage, until Democrats took control of Congress last year. We point to that with pride because it is something House and Senate Democrats promised would be high on the priority list, and we did it. Again, we were focusing on people left behind in an economy that

is not as powerful and as healthy as we would like it to be. Now unemployment benefits fit the same category.

When I think of plants across Illinois that have closed, putting people out of work—not to mention smaller businesses—it is through no fault of their own that people who once worked at a good manufacturing plant in Illinois or any other State don't have a job today. They have lost their benefits, lost their health insurance in many instances, and don't know which way to turn. Some have limited education and need time to at least get back to school or back for some training so that they can make some money again. Why wouldn't we want to help these people?

Beyond the economics of it, doesn't it seem only fair, if we are going to try to help people and help the economy, that we would start with the unemployed? The list which I have submitted, which will be printed in the CONGRESSIONAL RECORD, is an indication of how many, nationwide, it would help. The number is roughly 1.3 million who would be helped by the extension of unemployment insurance benefits.

When Senator KYL argues it would be a huge mistake to help the unemployed in America, he is arguing against the bipartisan approach to fighting recession which we have had for the longest period of time. I hope his opinion on this bill does not prevail. We need to do our best to try to help the families who are trying to get by.

In my home State of Illinois, since President Bush took office 7 years ago, relative to inflation, the median household income has decreased by 10 percent. So instead of an improvement in income, families in my State have seen their income go down during President Bush's administration.

The number of residents of my State living in poverty since President Bush came to office has grown by 10 percent in that same period of time. And that was a period of time when the Republicans and the President were resisting the idea of increasing the minimum wage, incidentally.

Health care premiums in Illinois have risen 29 percent since President Bush took office, and 152,000 more people in my State don't have health insurance since President Bush came into office.

Those families lucky enough to get their kids in college are facing sticker shock. The cost of college in Illinois has risen 51 percent since President Bush was sworn in.

A gallon of gas, of course, is up 77 percent in cost, which is an added expense, particularly to low-income families.

To make ends meet, families across America, and certainly in Illinois, have no place to turn but debt. Debt for these families has increased at a rate four times faster than it did in the 1990s. And it is not just families sinking in debt. The President's new budget makes it clear that America is sinking in debt. Senator CONRAD, chairman of the Budget Committee, made a presentation to us yesterday indicating that President Bush inherited a surplus when he came into office and a national debt in the area of $5.7 trillion, and now it could virtually double by the time he leaves office. So this is the reality that faces us.

Mr. President, how much time remains in morning business?

The ACTING PRESIDENT pro tempore. On the majority side, 10 minutes.

Mr. DURBIN. Ten minutes. I see no other Members seeking recognition, so I will stay on this point in recognition of the economic situation we are facing.

The national debt of America has doubled in the last 7 years under President Bush. We have accumulated more debt under President Bush than under all of the previous Presidents of the United States combined. Now, that is the kind of statement that could easily be challenged but I don't think will be because we have the facts to back us up. We have incurred this debt because we have had a war the President has not paid for, nor asked Congress to pay for, and we have had a tax cut policy which is unique in the history of our country. No President of our country has ever asked for a tax cut in the midst of a war.

Here is a figure that ought to concern us as well. Since March 2001, foreign investors have financed nearly 80 percent of our Federal budget deficit. So in order to get by, if you are spending more than you are raising in taxes, we have to borrow it, and we borrow it from foreign governments, which increasingly become our bankers and mortgagers. It is not a healthy relationship when countries such as China, Japan, Korea, and the OPEC nations become the largest creditors of the United States. They have a lot more clout than we might like to see.

It was just a few months ago that there was speculation by one economist in China that they may decide to move away from a dollar-denominated international transaction to use the Euro, which is a stronger currency than the American dollar. Just that rumor, from a low-level economist in China, sent chills through the stock market, and we saw stock prices go down. It is an indication of how dependent we are becoming as a nation as we go further in debt to fund a war which now costs $4 billion a week and also to fund tax cuts in the midst of that war primarily for the wealthiest people.

The President has said many times that he believes in the so-called ownership society. But the ownership society hasn't given most American families greater control over their financial destiny. The owners of the ownership society, by and large, have zip codes overseas. They are foreign investors who own the debt of America.

There are a lot of suggestions of how to get out of this. Some have suggested corporate tax cuts and others, but I think direct help to working families is the most effective way to do it. The rebates we would send to those families is money that could be well spent. I think this extension of unemployment insurance has been proven to be very effective. Mark Zandi, who is with Moody's Economy.com, estimates this would be the second most effective stimulus measure of all the ideas under consideration, generating $1.64 in increased economic activity for every dollar of rebate. This money can be distributed very quickly, since the weekly benefits are capped at $350 for a single individual in Illinois, and it wouldn't cost that much to extend it.

The Senate finance package is a great bill. We could have done better. I wish we could have included, for example, an improvement in food stamps. Over the holidays, last Christmas season, I went to food banks around Illinois. These are some great people. They do not work to make a lot of money, but they work to do a lot of good in their communities. They gather surplus food and distribute it to families who need it, and they are finding that more and more working families are showing up at food banks, and more and more families, even if they are working, can qualify for food stamps. So food stamps, which, unfortunately, don't provide enough money to really cover the cost of meals, could be improved, and that would help our economy. It is not included in the Senate finance package, but it should be.

Finally, I think we need to understand that one of the other ways we can help bring this economy forward is to invest in the infrastructure of America. I just flew in this morning from Chicago—one of our great American cities. But even that city, with its mass-transit system, needs a massive capital investment, not only to repair what is there but to extend it for service to other areas. It would be good for our economy, certainly good for the environment, and it will create good jobs. These are jobs that can't be outsourced. When we are doing infrastructure projects in Maryland or in Tennessee, we are doing projects that have real value, not only for the communities but for the men and women who are at work and whose paychecks are invested back into the communities.

So I am hopeful that at some point beyond this current discussion about an emergency stimulus package, we can extend our stimulus approach to even more investment—investment in highways and mass transit; in bridges, in making certain they are safe and we don't witness the kind of tragedy we had not that long ago in Minneapolis; investments in water resource development—for instance, the locks and dams on the Mississippi and Illinois Rivers, desperately in need of rebuilding. All those are good opportunities to put people to work, to reduce the unemployment rate, and to put money back into the economy. There is hardly a

State in our Nation that can't come up with critical infrastructure projects we could invest in to make America stronger. It is one of the few things Government does which we can show has a direct relationship to economic growth.

Certainly we understand that this current economic crisis we face had its genesis in the subprime mortgage market, and we shouldn't overlook the fact that 2.2 million Americans stand to lose their homes to foreclosure. I think the administration's proposal so far has been anemic. This notion that we would ask mortgage companies and financial institutions to voluntarily restructure mortgages will take us, perhaps, a short walk down the road but not where we should be. We need to find better ways to give these families, if they can, the ability to stay in their homes and make their mortgage payments.

I have a bill that changes the Bankruptcy Code, that allows a bankruptcy court to take an honest look at a person's income potential and restructure a mortgage so that they can stay in their home and won't face foreclosure. Foreclosure is a disaster not only for the family losing the home but for those who loaned the money for that home and, ultimately, for the neighborhood surrounding it.

So Mr. President, there is certainly much we can do. I am sorry we didn't get a lot more done yesterday. We tried, but the Republicans resisted again. They wanted another day off, and we had it. Instead of getting serious about amendments to the Foreign Intelligence Surveillance Act, instead of having the debate leading up to amendments and the vote on the economic stimulus package, the clock ran out.

Well, it is about time for the Senate to roll up its sleeves and get to work so America can get to work. I hope that today the votes that are scheduled will be the beginning of an honest debate and that at the end of the day we will pass an economic stimulus package, conference with the House, and send it to the President for his signature before we break for our Presidents Day recess period which begins next week.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Tennessee.

## TENNESSEE TORNADOES

Mr. CORKER. Mr. President, I had originally scheduled time to speak a little about the stimulus package and the many frailties I see with this package. However, due to the tragedy last night in Tennessee, I wish to talk on a different subject matter.

The senior Senator from Tennessee joins me on the floor this morning, and, Mr. President, I ask unanimous consent to yield half of my time to the great LAMAR ALEXANDER, the senior Senator from Tennessee, if that would be acceptable.

The ACTING PRESIDENT pro tempore. The senior Senator from Tennessee is recognized.

Mr. ALEXANDER. Mr. President, I thank my colleague from Chattanooga for his courtesy. I, too, would like to talk about the economic stimulus package and how we Republicans have been ready to go to work on it for 2 weeks, and will later today. But Senator CORKER and I have something that is closer to our heart today, and that is the devastation that came across our State last night from a string of tornadoes that was as rough and as pervasive as anything I have seen in my lifetime.

Most Americans saw reports of it while they were watching coverage of the elections, but the trouble began in Memphis in the middle of the day, with schools being closed because of tornadoes. It moved on to Jackson, where 3,300 students at Union University barely escaped, although the school was heavily damaged.

Often, tornadoes and severe weather of this type head in one direction and then the other, but this one just kept going. It kept on going into middle Tennessee, to Sumner County and Macon County, where several lives were lost, and moved into east Tennessee and the mountain area just this morning. So there is a lot of trouble in our State as a result of that, and Senator CORKER and I want the people of our State to know we have been monitoring that during the night, and we and our staffs are working together today.

We have talked to the Governor and State officials, local officials. I talked to the athletic director of Union University on his cell phone a few minutes ago. I was trying to reach David Dockery, the president of Union University.

So for the next several days, we will be doing all we can do from the Federal level to assist the Governor and the local officials in dealing with the devastation that was caused last night by the severe storms. Forty-five people were killed, more than another 100 injured, a lot of damage to buildings in areas across our State.

I thank Senator CORKER for taking this time to allow us to express to our constituents our feelings for them. We do want them to know they have our full attention today. The Governor is at the front of the line. That is the way we do things in Tennessee. We work easily with him and his staff and the local official. We will stay in touch with them, and those who need to be in touch with our Senate offices can do that.

We will move promptly to deal with applications for disaster relief. Sometimes they say they need to take enough time to be accurately filled out rather than have a race to the mailbox to get those in. But we will be working with local officials with those to do all we can.

I thank the Senator from Tennessee, Mr. CORKER, for his courtesy in allowing me to express my remarks, and I look forward to working with him to help deal with the pain that has been caused to many Tennesseans.

I yield for Senator CORKER.

Mr. CORKER. Mr. President, thank you for letting me spend a few minutes on this topic that is such a huge issue in the State of Tennessee. I certainly thank our senior Senator for his leadership. Our senior Senator was also the Governor of Tennessee. I know he knows full well what many people across our State today are facing.

Again, I thank him for his leadership on so many issues. I know both of us today have spent time talking with county mayors across the State of Tennessee, talking with our Governor, talking with officials at Union University and other places. I know that for all of us our hearts and prayers go out not only to the people of Tennessee but also the Mississippi, Arkansas, and Kentucky people who also are dealing with some very tragic circumstances.

I know people in Tennessee are looking to their county mayors and our Governor for leadership, their officials with the National Guard, and FEMA. My understanding is they are providing outstanding leadership and that people have worked throughout the night to make sure that relief has been given, that people have been taken into homes and other places. Today, as they begin to dig out, if you will, and really see the extent of the damage, that will continue.

I am very proud to serve with LAMAR ALEXANDER and to be with him today. I know both of us want the people of Tennessee to know we are very aware of the tragedy they are dealing with. We are with them and their elected officials at the local and State level. We want to work with them as time goes on to make sure that much needed Federal relief, which will be on the way down the road, is forthcoming.

I wish to thank all of those volunteers. I have heard stories of heroic things throughout our State where ordinary citizens have done things to ease the pain and to create safety for many of our citizens in harm's way.

Again, our thoughts and prayers are with all of our citizens, especially those who have been so tragically affected by the events of the last 24 hours.

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

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

The assistant bill clerk proceeded to call the roll.

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

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

The Senator from South Carolina is recognized.

## ECONOMIC STIMULUS

Mr. DEMINT. Mr. President, I rise to talk about the economic stimulus

package we are discussing in the Senate. I certainly appreciate the concern the President and all of us have in the House and Senate about our economy and wanting to do everything we can to make sure we avoid an economic slowdown or recession that creates so much hardship through the loss of jobs and, in many cases, a loss of homes. It is something we definitely need to address. It is equally important, as we look at our economic situation, to make sure we allow economic growth and prosperity to work for more people. It is not just about our economic situation as a whole growing but making sure everyone can share in that prosperity.

It is important, as we look at the best way to stimulate the economy and keep it going, to remember that good jobs and a good economy depend on successful companies making good profits. In order for that to happen, we have to create a good business environment. Our goal as a Congress should be to make sure America is the best place in the world to do business. Unless we do that, we will continue to lose ground to countries all over the world. It is going to be increasingly difficult to sustain long-term economic growth. The world is becoming increasingly competitive. We hear it every day. We hear from Asia and India which are actually courting businesses with incentives to encourage companies to locate in their countries, creating a good business environment with less regulation and less taxes so that people will bring their manufacturing plants, their people, and their capital to their countries. It is working. Even stodgy old Europe that we imagine to be a high-tax and highly regulated network of countries is changing to be more competitive in the world economy. They have lowered their corporate tax rate to an average of about 25 percent. Some of their countries such as Ireland have gone down close to 10 percent and have seen remarkable economic growth as they have lowered their tax rate.

Why is this country not responding in the same way? It hasn't been too long since I have been in the private sector working with businesses. I continue to hear the same sentiment. If we are going to do business in America today, before we get to the equipment and the people actually making the products or providing services, a medium-sized American company today is likely to have a large tax department. It could spend millions on dealing with our Tax Code. We have the most complex tax system in the world and probably the highest corporate tax rate in the world. Some will say it is second. Some say it is first. But we are definitely near the top at around 35 percent. So they start with a large tax department.

Then most of our companies also have large legal departments because we are the most litigious society in the world. The most liability for any country is to do business in America. It is not unusual to talk to successful, well-known American companies that are dealing with hundreds, if not thousands, of lawsuits at the same time. So they keep a full-time fleet of lawyers and law firms on retainer dealing with the lawsuits and the legal situations.

These same companies also have large human resource and compliance departments to deal with all of our regulations—some of them good, many unnecessary. A lot of regulations related to capital and reporting, such as Sarbanes-Oxley, are costing companies millions of dollars unnecessarily because Congress is unwilling to fix those things we know are wrong. So there is a large tax department, a large legal department, a large human resource compliance and regulatory department, before we get to manufacturing and actually making things. We are making it very difficult for our companies to compete.

Add to that the cost of energy which is one of the highest in the world. That goes back to bad policy as well. For years we have known we have large oil and natural gas reserves. We have known we could develop more nuclear generation of electricity. Yet we have not allowed nuclear plants to be developed. We have large reserves of oil in Alaska, which we have consistently voted down in the Congress, and natural gas we don't go after. Therefore, we are not only spending hundreds more for every family for gasoline for cars or oil to heat homes or more for electricity, we are sending hundreds of billions of dollars a year out of this country that could support our economy yet is supporting the Middle East and other economies around the world. Yet we will not change the policy. We will not develop our own energy resources. Instead, we are making it harder to produce automobiles in this country, putting the burden on them consistently.

Now, instead of trying to fix some of the systemic policy problems, we are talking about an economic stimulus plan which I have yet to hear, at least on the Republican side in our private meetings, one Republican defend as good policy. Maybe some will come out here and do so. But everyone on both sides is talking about good politics. We are doing nothing for long-term growth. We are doing nothing to create a simpler, more predictable Tax Code or reducing our regulation or litigation. What we are going to do in time for the election is to get a check in the hands of as many people as we can, and we are borrowing it from the future. The debt is growing. We are going to borrow the money to send checks home to Americans.

In 10 years on the present course, bonds for the American Government will be rated as junk bonds in the world because we continue to look at the next election rather than the future of the country.

It is obvious what we could do to develop a long-term, sustained economic growth pattern. If we made the current tax rates permanent, the ones we know have stimulated our economy, that would allow companies to plan past 3 years to build new plants, to buy new capital equipment, to hire new people. Right now American companies trying to do business in this country do not know what their tax rates are going to be after 2010. In fact, if we do nothing in Congress, they know they will experience the highest tax increase in history. Yet we are not even willing to talk about it. All of us know we need to lower our corporate tax rate to at least be comparable to Europe at 25 percent. Yet we are not doing it. So more of our capital, more of our jobs, more businesses will continue to move offshore. Sending people a few hundred dollars to pay down their credit cards is not going to help grow our economy.

There are other things we know we can do. We know we can bring capital from overseas back home for investment and growth if we lower the corporate tax rate as we did a few years ago, what we call repatriating those dollars. Even temporarily lowering that rate would bring capital home and encourage growth.

The one part of the stimulus package that does make sense is to allow companies to expense or to speed up depreciation of capital they buy so it will encourage them to grow and make decisions now because the people who make that equipment have jobs, and those who operate that equipment have jobs. So it would provide some stimulus. But it is most important that we have a predictable, permanent system where people can do business and be competitive around the world. It is unfortunate in all this debate that we are not even willing to talk about it.

I appreciate the time to express my concerns. I am thankful everyone is concerned about the economy and those who have lost their jobs and may lose them in the future. But what we are doing as a Congress is talking about doing something that we are not really doing: we are not stimulating the economy. This is not an economic stimulus package. It is a political stimulus package that is designed to help folks in November.

I know every American needs a check and probably none will turn it down. But, unfortunately, we are making false promises that will not carry into long-term economic growth.

I yield the floor.

The PRESIDING OFFICER (Mr. BROWN). The Senator from Utah.

Mr. HATCH. Mr. President, I ask unanimous consent that my remarks be considered as in morning business but fall in line with regard to the bill before us.

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

FOREIGN INTELLIGENCE SURVEILLANCE ACT

AMENDMENT NO. 3913

Mr. HATCH. Mr. President, I wanted to briefly mention my opposition to amendment No. 3913 offered by the Senator from Wisconsin. This amendment relates to reverse targeting, which is a theory that the Government could target a foreign person abroad when the real intention is to target a U.S. person, thus circumventing the need to get a warrant for the U.S. person. Quite simply, reverse targeting is already considered illegal under FISA. Going even further, the Intelligence Committee bill has a very explicit prohibition against reverse targeting. The amendment offered by the Senator from Wisconsin adds subjective language which completely alters the meaning of the original bipartisan provision.

I asked Attorney General Mukasey this during a hearing on Wednesday, and here is our exchange.

HATCH: Now the topic of reverse targeting has been mentioned often during the FISA reform debate. From an intelligence perspective, reverse targeting makes no sense. From an efficiency standpoint, if the government was interested in targeting an American, it would apply for a warrant to listen to all of that person's conversations, wouldn't it? Not just his conversations with terrorists overseas?

MUKASEY: Correct.

HATCH: Now, I asked General Wainstein about this during the Judiciary Committee hearing last October, and he reiterated the government's view that FISA itself makes reverse targeting illegal. Does the DOJ still consider reverse targeting illegal under FISA?

MUKASEY: Absolutely.

HATCH: Are you aware of any instances of intelligence analysts utilizing reverse targeting?

MUKASEY: I am not aware of any such instances.

We are enacting national security legislation, and it is our responsibility to ensure that this bill does not lead to unintended consequences which provide protections to terrorists. This amendment is absolutely unnecessary, and I urge my colleagues to oppose it.

AMENDMENT NO. 3920

Mr. President, I wish to say a few remarks with regard to my dear friend, Senator WHITEHOUSE's amendment to authorize the FISC, the Foreign Intelligence Surveillance Court, to assess compliance with minimization techniques. I rise to express my opposition to the Whitehouse amendment No. 3920.

My opposition to the Whitehouse amendment is related to the totality of this bill. This is an amendment that greatly expands the Foreign Intelligence Surveillance Court's jurisdiction. Keeping in mind that the bill before us already expands FISC jurisdiction of foreign collection to an unprecedented high historical level, this amendment tips the balance and could lead to real-life instances of intelligence analysts' operational decisions being second guessed by the court.

The original approach and goals of this legislation were simple and twofold. Goal No. 1: Wire communications taking place in 2008 should receive the same treatment as radio communications taking place in 1978; and goal No. 2: Our intelligence community's sources and methods should not be subject to exposure by litigation brought about by hearsay and innuendo.

I am pleased the legislation before us provides more protections to American citizens than any intelligence bill in my recent memory, and certainly more than the original FISA law.

Over the last several months, a great deal of attention has been given to the FISC, the Foreign Intelligence Surveillance Court. The FISC was created by the original FISA law, and its jurisdiction was extremely limited by that law. Here is what the FISC was created to do.

Foreign Intelligence Surveillance Court: ''A court which shall have jurisdiction to hear applications for and grant orders approving electronic surveillance.''

This jurisdiction is purposefully limited, as the task of reviewing applications to intercept electronic communications is among the most important tasks our Government can do to protect our country and its citizens. Terrorists have to communicate to plan and execute attacks, and our interception of these communications is paramount to stopping the next attack.

The jurisdiction of the FISC is greatly expanded by this legislation. Combined with other provisions in this bill, the new oversight created is prevalent and comprehensive. Since the breadth of this new oversight is critical when determining the necessity of the amendment we are debating, let's look at the oversight created by this legislation.

Let me read these five charts.

No. 1, for the first time the FISC will review and approve minimization procedures used by the intelligence community.

No. 2, for the first time the FISC will review and approve targeting procedures used by the intelligence community. The FISC will determine whether the procedures are reasonably designed to ensure targeting is limited to persons outside the United States.

No. 3, for the first time, a court order will be required to target U.S. persons regardless of where they are in the world—for the first time.

No. 4, for the first time the Attorney General and the Director of National Intelligence will be required to assess the intelligence community's compliance with court-approved targeting and minimization procedures. These assessments must be provided to the FISC and congressional Intelligence Committees.

No. 5, new congressional oversight—for the first time Congress is creating statutorily required inspector general—that is the Department of Justice and intelligence elements—semiannual assessments of compliance with court-approved targeting and minimization procedures. These assessments must be provided to congressional Intelligence Committees.

Now, given the staggering amount of new oversight, we should be very careful when creating mechanisms which could negatively impact our intelligence analysts, particularly when these mechanisms provide no benefit, in this case, to the privacy of American citizens.

The intelligence community has a great deal of experience in the techniques used to minimize incidental communications, and very detailed procedures for handling these communications are contained in the United States Signals Intelligence Directive 18, which has been in effect for over 28 years.

Remember, the Government is gathering information relating to foreign intelligence in order to protect national security, not necessarily for criminal prosecution. That is why different procedures are necessary. Otherwise, all national security information gathering would be changed to fit within the procedures of title III criminal wiretaps, which is impossible.

Minimization techniques deal not just with retention and dissemination, but with acquisition. Analysts make decisions up front whether to acquire, keep, or share U.S. person information based on whether it has foreign intelligence value.

This means if a judge is reviewing compliance with minimization procedures, this review is much more than a factual check. The judge is not limited to simply making sure that technical and administrative guidelines are followed. Rather, this amendment could allow a judge to question specific decisions by intelligence analysts on why they chose to acquire, keep, or share certain communications.

Now this begs the question: Are judges better trained in intelligence collection than the intelligence analysts whose job it is to repeatedly perform this task? Not only do I think the answer is no, but we should remember what the FISC said in their recently publicly released opinion, which is only the third public opinion released in the history of the Foreign Intelligence Surveillance Court.

Here is what the FISC said:

Although the FISC handles a great deal of classified material, FISC judges do not make classification decisions and are not intended to become national security experts. Furthermore, even if a typical FISC judge had more expertise in national security matters than a typical district court judge, that expertise would still not equal that of the Executive Branch, which is constitutionally entrusted with protecting the national security.

Enactment of this amendment could result in judges making foreign intelligence determinations in place of trained intelligence analysts. Based on this unjustified scrutiny, our intelligence analysts could become overly cautious when determining whether to

deem information as having intelligence value in order to avoid unwarranted judicial scrutiny. This could result in less foreign intelligence information being accumulated, and thus could mean we may miss a vital piece of information. Do we want to take this chance? That is what this amendment would do. Should we risk this type of unintended result?

In October of 2007, I asked Assistant Attorney General Wainstein if putting the FISC judges in the position of assessing compliance would effectively put the judge in the role of an analyst. Here is what he said in response:

> And that is the problem, that it would get the FISC in the position of being operational to the extent that it's not when it assesses compliance for, let's say, the minimization procedures in the typical or traditional FISA context where you're talking about one order, one person. Here, some of our orders might well be programmatic, where you're talking about whole categories of surveillances, and that would be a tall order for the FISA Court to assess compliance.

The Whitehouse amendment also contains language which lets the FISC fashion remedies it determines are necessary to enforce compliance. This is very broad language and gives the court the ability to come up with whatever methods it chooses to enforce compliance. Does this mean that the FISC could shut down collection of information from foreign targets overseas while the Government addresses technical issues which have little to do with the privacy of American citizens? We do not know, since this amendment does not answer this question. Remember, we are talking about targeting foreign terrorists to prevent terrorist attacks. This is not the same thing as wiretapping a cocaine dealer in Los Angeles for criminal prosecution. If we approve an amendment which creates numerous unanswered questions, we are putting Americans at risk in unprecedented ways.

Given that the Government has adequately utilized minimization procedures for many years, what is the pressing need for FISC expansion into this area? There is no need to continue unlimited expansion of the FISC into unsuitable areas.

If this amendment does not pass, it does not mean that American citizens are not protected. Incidental communications of Americans will continue to be minimized, and the minimization procedures will have been approved by the FISC. But if the Whitehouse amendment passes, we will be taking a great risk that the unnecessary judicial oversight will cause very harmful unintended consequences that I have already mentioned. We are too far along to introduce guesswork into the carefully crafted compromise bill before us. I will oppose this amendment, and I urge my colleagues to do the same.

AMENDMENT NO. 3930

Now, Mr. President, there is one other amendment I wish to refer to. In October of last year, the Intelligence Committee passed a bipartisan compromise bill which would modernize our foreign intelligence surveillance activities. Unfortunately, this bipartisan bill contained a 6-year sunset provision which would automatically curtail our ability to protect our homeland unless Congress acted.

Let me be clear, I am opposed to any sunset in this legislation. While I believe the inclusion of this sunset provision was not appropriate, it was a result of the bipartisan negotiations in the Intelligence Committee. Now this serves as yet another example that not all of us who support this bill are happy with every provision, and every Senator will need to make concessions to get this bill passed and signed into law.

Given my opposition to any sunset, I will oppose the Cardin amendment No. 3930, which would change the sunset from 6 to 4 years. Proponents of this amendment have propounded several arguments, none of which justifies this change. I am going to discuss three of those arguments today.

The most common argument cited is that this legislation is too technical and too complex to have a 6-year sunset. This is certainly a complex bill, but this is not the first time the 110th Congress has tackled complex issues. We have already waded through several different and complex bills, such as immigration reform, ethics and lobbying legislation, and even a vast energy bill.

We are not reinventing the wheel with surveillance law, as this is a FISA modernization bill. But it is important to note how Congress has previously legislated in this area. The 1978 FISA law made dramatic changes to our surveillance laws and oversight mechanisms. While FISA has been discussed extensively, what has not been stated nearly enough is that the 1978 FISA had no sunset. Given that FISA had no sunset, let's look at how Congress has previously legislated FISA amendments with regard to sunsets.

Sunsets are not common in previous laws amending FISA. Other than the PATRIOT Act and the PATRIOT Act reauthorization, seven of the eight public laws amending FISA had no sunsets on FISA provisions, and the remaining public law had a sunset on only one of those provisions.

Now, this statistic speaks for itself. What is so different about this bill? I do realize it contains massive new congressional oversight provisions which could possibly hinder our collection efforts, and that we may need to revisit it for this reason. However, if this is the case, we obviously do not need a sunset to do this. We can legislate in this area whenever we want to.

A second reason I have heard that some support the Cardin amendment is that this sunset will keep Congress more engaged. One of my colleagues previously stated that a sunset ''gives Congress the ability to stay involved.'' Congress should not need sunsets to stay involved. We do not need legislative alarm clocks to go off in 4 years in order to address national security. I wake up every day thinking about how we might protect our fellow Americans. I certainly do not need a sunsetting bill to remind me about national security and oversight, and neither should my colleagues.

The final reason I have heard for a 4-year sunset is the idea that the next administration should be given an opportunity to address this issue and that a sunset fosters cooperation between Congress and the White House. Along these lines, one of my colleagues previously stated: Having a sunset gives us a much better chance to get cooperation . . . between the Congress and the White House. Once again, the next President can weigh in on this topic whenever and however he or she wants to. And regarding the idea that we should include a 4-year sunset to foster cooperation between two branches of Government—do we need a statute to influence the separation of powers? I say to my colleagues that the relationship between the branches of Government should be fostered by natural restrictions contained in the Constitution of the United States, not by an artificial sunset provision in an intelligence bill.

The very idea of a 4-year sunset understates the importance of timeline implementation of new legislation. It takes a great deal of time to ensure that all of our intelligence agencies and personnel are fully trained in new authorities and restrictions brought about by congressional action. This is not something that happens overnight. We cannot wave a magic wand and have our Nation's intelligence personnel instantaneously cognizant of every administrative alteration imposed by Congress. Like so many other things in life, adjusting for these new mechanisms takes time and practice.

While certain modifications are necessary, do we want to make it a habit of consistently changing the rules? Don't we want our analysts to spend their time actually tracking terrorists, or is their time better spent navigating administrative procedures that may be constantly in flux?

I know my preference is that our analysts be given the time to use the lawful tools at their disposal to keep our families safe.

I do not want to see them spending all their time burying their heads in administrative manuals which change from day to day whenever the political winds blow.

After all of the efforts by many in this body to write a bill that provides a legal regime to govern contemporary technological capabilities, I am certainly not alone in my opposition to a sunset provision. In fact, my views are completely in line with what the Senate has done in the past when amending FISA. The administration strongly opposes a sunset, and Attorney General Mukasey confirmed this opposition during last week's oversight hearing here in the Senate.

The fact is that this administration will not be here to see this sunset occur. Why would they care if there is a sunset in the bill or not? Their opposition demonstrates that those who are in charge of protecting our country know that a sunset is a bad idea and their opposition is based in logic and practical application. The administration knows that they will not be here, but the intelligence analysts who protect our country will. These analysts are not politically appointed, and do their job regardless of who the President is or what party the President represents. They need the stability of our laws to effectuate long term operations to prevent terrorist attacks, not guesswork which could hinder intelligence gathering practices.

We have already had a trial run with the 6-month sunset of the Protect America Act. Enough of the quick fixes, let's have confidence in the work product created by the nearly 10 months we have spent on this issue. A shorter sunset gives us an excuse to not legislate with conviction, and this is an excuse we should not make.

The 95th Congress had the ability to decipher complex problems and pass FISA with no sunset, and the 110th Congress can certainly modernize it without second guessing our capabilities by approving the Cardin amendment. I will oppose this amendment, and I urge my colleagues to do the same.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

## ECONOMIC STIMULUS

Mr. CASEY. Mr. President, in the remaining moments of morning business, I wish to highlight a couple important points about our economic stimulus efforts in the Senate.

We have had an opportunity over the last couple weeks to analyze carefully what the American people expect in terms of a jolt to our economy and what they expect this body to do. Unfortunately, we have been stymied by a lot of politics. I think it is important to point out very briefly the elements of what the Senate is trying to do, at least on the Democratic side and, secondly, to highlight its importance to the American people.

First of all, with regard to the basic elements—I will not go into a long discussion—in order to stimulate this economy, we have to invest in strategies we know will work. One of those is unemployment insurance. We know that. All the economists say that. It is not because Democrats assert that; economists say one of the only ways that is proven to jolt our economy is to invest in unemployment insurance. This proposal on the Democratic side does that. The House proposal doesn't do that in the area of unemployment insurance. It doesn't address that.

The package this side of the aisle has been pushing is a $500 rebate. It is across the board for everyone and obviously for those who are married it is double that. But significantly, in this proposal 20 million American senior citizens are provided some relief. That wasn't addressed in the House proposal. I think that is an important omission. In order to get this right, in order to jolt our economy, we need to help seniors. We also need to make sure a quarter of a million disabled veterans are helped as well. That is an important feature.

Thirdly, avoiding foreclosure; doing everything we can in this stimulus package in a short-term way to help families avoid foreclosure is another critically important element.

Home heating costs: In my home State of Pennsylvania—and I know the same is true in Ohio and across the country—there has been a 19-percent increase in the costs that families have to heat their homes, in 1 year. So if that is happening in Pennsylvania, we know it prevails around the country. This proposal in this Chamber does that. It adds $1 billion for home heating costs.

Finally, helping businesses and energy: As to the cost to businesses, I think small businesses should get help in this rough economy, and this proposal helps our businesses. It also makes investments we should have—or I should say implements strategies we should have done months ago when it comes to incentivizing energy efficiency and other tactics to move toward a more energy independent economy.

So whether it is energy, whether it is helping businesses, whether it is making sure our seniors get relief, that our families get relief and that we focus on unemployment insurance, home heating costs, all these elements are critically important. It is not perfect. The Presiding Officer knows—and he shares this view with me—we wanted to do more with regard to food stamps. We are still going to try on that. But if that doesn't happen and some other things don't happen that I want, we still have to move this forward. I wish the other side of the aisle would allow us to go forward in a way that addresses these basic problems. We have seen a lot of talk on the other side but not nearly enough action to say we are going to support a proposal, not just what the House sent us but an improved and a much more significant proposal to hit this economy in the way we should hit it: With a stimulus to get the economy moving, to create jobs, to provide relief for our families, and to move into the future together. We can do that here. We should do it this week and make sure we don't pass something which is watered down and which would not do the job.

I yield the floor.

## CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

## FISA AMENDMENTS ACT OF 2007

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of S. 2248, which the clerk will report.

The bill 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.

Feingold amendment No. 3913 (to amendment No. 3911), to prohibit reverse targeting and protect the rights of Americans who are communicating with people abroad.

Feingold-Dodd amendment No. 3912 (to amendment No. 3911), to modify the requirements for certifications made prior to the initiation of certain acquisitions.

Dodd amendment No. 3907 (to amendment No. 3911), to strike the provisions providing immunity from civil liability to electronic communication service providers for certain assistance provided to the Government.

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.

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.

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

Mr. ROCKEFELLER. Mr. President, I wish to make a few comments on the amendment of the Senator from Wisconsin and what he referred to as the ''bulk collection'' amendment which he discussed yesterday and which is amendment No. 3912. I would ask that this time be taken from the opponents of the amendment, if that is all right with my vice chairman.

The Senator from Wisconsin is offering an amendment that he argues will prevent what he calls ''bulk collection''. The amendment is intended, as described by the Senator from Wisconsin, to ensure that this bill is not used by the Government to collect the contents of all the international communications between the United States and the rest of the world. The Senator argues that the amendment will prevent ''bulk collection'' by requiring the Government to have some foreign intelligence interest in the overseas party to the communications it is collecting.

I regret to say I must oppose this amendment strongly. I do not believe it is necessary. I do believe, as drafted, the amendment will interfere with legitimate intelligence operations that

protect the national security of the lives of Americans.

In considering amendments today, we need to consider whether an amendment would provide additional protections for U.S. persons and whether it would needlessly inhibit vital foreign intelligence collection. I do not believe the amendment, as drafted, provides additional protections. Furthermore, intelligence professionals have expressed their concern that this amendment would interfere with vital intelligence operations, and there are important classified reasons underlying that concern.

Let us review why the amendment is unnecessary. First, bulk collection resulting in a dragnet of all the international communications of U.S. persons would probably be unreasonable under the fourth amendment. No bill passed by the Senate may authorize what the fourth amendment of the Constitution prohibits. What is more, the committee bill, in fact, explicitly provides that acquisitions authorized under the bill are to be conducted in a manner consistent with that same fourth amendment of the Constitution.

Second, the committee bill stipulates that acquisitions under this authority cannot intentionally target any person known to be located in the United States. And to target a U.S. person outside the United States, the Government must get approval from the FISA Court.

Third, the committee bill increases the role of the FISA Court overseeing the acquisition activities of the Government. The bill requires court approval of minimization procedures that protect U.S. persons' information. It maintains the prior requirement of court approval of targeting procedures.

In the unlikely event the FISA Court would give its approval to targeting procedures and minimization procedures that allow the Government to engage in unconstitutional bulk collection, the committee bill also strengthens oversight mechanisms in the executive and legislative branches, such as requiring assessments by the inspectors general in the Department of Justice and relevant agencies. These mechanisms are intended to ensure that such activity is detected and prevented.

The sponsor of the amendment says his amendment only requires the Government to certify to the FISA Court that it is collecting communications of targets for whom there is a foreign intelligence interest. But the committee already requires the Attorney General and the Director of National Intelligence to certify to the FISA Court that the acquisition authorized under the bill is targeted at persons outside the United States in order to obtain foreign intelligence information. Because the remedy does not improve upon the protections in the bill for Americans and places new burdens on the surveillance of foreign targets overseas, I thus oppose this amendment and urge that it be rejected.

I yield the floor and reserve the remainder of the opponents' time.

The PRESIDING OFFICER. The senior Senator from Missouri is recognized.

Mr. BOND. Mr. President, I yield myself 6 minutes from the opposition to the amendment No. 3979, the Feingold-Webb sequestration.

During yesterday's sessions and prior sessions, there have been, regrettably, a number of inaccurate statements about the amendments we debated. Several of these amendments go to the very heart and strike at the very heart of foreign targeting. It is not an understatement to say that if they are adopted, they could shut down our intelligence collection and cause irreparable damage to our national security. So I am compelled to set the record straight. Working with my colleague and good friend, the chairman of the committee, Senator ROCKEFELLER, we want our colleagues to know what impact these amendments have.

We have made great progress in the Senate Intelligence Committee on the FISA Amendments Act of 2008 in providing additional protections, but we did so working with the intelligence community to make sure the measures we put in the bill would actually work.

Now, the first amendment we debated was amendment No. 3979, the sequestration amendment supported by and sponsored by Senators FEINGOLD and WEBB. In explaining this amendment, supporters claimed the Protect America Act was ''sold repeatedly'' as a way to collect foreign-to-foreign communications without a court order and this amendment allows this collection. We saw from the House RESTORE Act, which the DNI has told us—the Director of National Intelligence, whom I will refer to as the DNI—and from the debate on the Protect America Act that the focus on foreign-to-foreign communications is misplaced. The Protect America Act was intended to allow foreign targeting, just like this bill and for good reason. We cannot tell if a foreign terrorist is going to be calling or communicating with another foreign terrorist whether in some other country or whether some of that communication may occasionally come to the United States, and there is no way to tell. So it does no good to give the intelligence community authority to collect only foreign-to-foreign communication. You can't tell. That means you can't collect on any without getting a FISA Court or a FISC order. That was an impossible burden that the FISC judges told us overwhelmed and shut down their operations and did not protect American citizens. Yet we were told yesterday this amendment will not damage or slow down collection.

This amendment will not just slow down collection; it will stop it. It will stop it. In the words of one intelligence official, it would ''devastate our operations.''

Now, our bipartisan bill gives the intelligence community the ability to target terrorists, foreign terrorists overseas. That targeting is not, as has been suggested on the other side, ''dragnet surveillance.'' Rather, the intelligence community will be acquiring communications of foreign terrorists, spies, and others who seek to do us harm. That is not a dragnet; that is targeted. But if this amendment were to be adopted, its unreasonable limitations will prevent the intelligence community even from beginning the collection.

Now, I argued yesterday this amendment would prevent the intelligence community from intercepting the communications of Osama bin Laden with somebody in the United States. The Senator from Wisconsin disagreed, calling my argument questionable and claiming the amendment in no way hampers the ability to fight al-Qaida. That is not true. I find it interesting because that is not what his amendment says. First, the intelligence community can't even start the collection because there is no way to know if a terrorist, including bin Laden, is going to call or be called by a person in the United States. Second, from the amendment, page 2, lines 10 to 16:

> Such communications may be acquired if there is reason to believe that the communication concerns international terrorist activities directed against the United States, or activities in preparation therefor.

That means if bin Laden were planning an attack against the United Kingdom or against our foreign military bases or our foreign embassies abroad and calls into the United States to talk with an associate, we could not capture that call and protect our troops, protect our citizens, protect our officers overseas, because under the terms of the amendment, it does not concern activities directed against the United States. Not only is the limitation dangerous, it is unwise, unhelpful, and could lead to significant intelligence shortfalls.

Another dangerous aspect of the amendment is that it would foreclose the collection of foreign intelligence relating to nonterrorist threats. Our Nation faces daily threats, for example, from the proliferation of weapons of mass destruction. I have an amendment that deals with this issue specifically. What about North Korea, Iran, and Syria? Under this amendment, none of that information could be collected if the communication was to or from the United States. That is a limitation that should make all of us uncomfortable. There is no basis for it, it is unreasonable, and it could lead our country into severe jeopardy.

The DNI and the Attorney General agree with my reading of the amendment. Yesterday, we received a letter from them expressing their views about these amendments. The DNI and Attorney General stated that if this amendment is part of the bill presented to the President, they would recommend a veto. They wrote this in their letter:

> This amendment 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.

Ironically, this amendment is being advertised as the best way to protect America's privacy. But a fundamental problem with the amendment is that we can never know ahead of time what a communication says. Let's think it through. In order to figure out whether the communication concerns international terrorism, for example, an analyst will have to review the content of it. That actually results in more of an invasion of privacy than would ever occur under the standard minimization procedures that NSA uses every day. That makes no sense if we are trying to protect privacy.

Mr. President, it is news to me that the Intelligence Committee bill, as claimed on the other side, has no judicial involvement and no judicial oversight. I have said it before. This bill has more judicial oversight and involvement in foreign intelligence surveillance than ever before. There is court review and approval of the joint certification by the Attorney General and the DNI and of the targeting minimization procedures. If the court finds any deficiency in these documents, the Government must correct it or cease the acquisition. That is not an empty oversight.

The Intelligence Committee bill doesn't stop there. We took tremendous care to make sure there were specific protections for Americans' privacy in the bill. I suggest all Members look closely at these protections: express prohibitions against reverse targeting, against targeting persons inside the United States without a court order, against conducting any acquisition that doesn't comply with the fourth amendment. This bill goes further than ever before in ensuring that there are protections for Americans in the area of foreign targeting.

We heard the tired accusation that this bill will allow the intelligence community to intercept communications of anyone; that it gives ''unrestrained access to communications of every American.'' That is just plain wrong. Communications of U.S. persons will be intercepted only if those persons are talking to foreign terrorists or spies. And because of the minimization procedures, only those specific communications will be intercepted, and if they don't contain foreign intelligence value, then they will be minimized or suppressed.

According to the Senator from Wisconsin, this amendment is necessary because the minimization procedures in FISA are ''quite weak'' and inadequate. I am sure the FISA Court judges who have reviewed and approved these procedures would appreciate the implication that they are doing a bad job of protecting the privacy of Americans. Ironically, it is that same court that, under the Senator's amendment, will control the Government's access and use of incidental communications.

Mr. President, I reserve the remainder of our time and yield the floor.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

Mr. FEINGOLD. Mr. President, I will use some of my time on a couple of these amendments. I know it must be difficult for the Chair to figure out which time to apply to which amendments, but I will try to identify them.

First, I will speak with regard to Feingold-Webb-Tester amendment No. 3979, which the Senator from Missouri was addressing. He referred to our concern that the rights and privacy of Americans could be affected by this bill as a ''tired accusation.'' I object to that characterization. I think this is clearly the kind of thing we should be worried about. I will tell you what is a tired accusation: the notion that somehow our amendment would affect the ability of the Government to listen in on Osama bin Laden. That is a tired and false accusation. The Senator has said that if bin Laden or his No. 3 man—whoever that is today, because we killed the last No. 3 man—calls somebody in the United States, we cannot listen in to that communication unless we have an independent means of verifying that it had some impact on threats to our security from a terrorist threat. That is what he claims, that we would not be able to listen in on that conversation. That is false.

The Feingold-Webb-Tester amendment specifically does not require a FISA Court warrant to acquire and disseminate the communications of any foreigner overseas who is suspected of terrorism. Mr. President, there is no separate threat requirement. The amendment merely requires that the Government label terrorism-related communications that have one end in the United States so they are traceable for subsequent oversight. And it simply requires that when the Government accesses and disseminates terrorist-related communications that it has already acquired that the court just be informed with the brief certification. I don't know where the Senator gets this bizarre idea that somehow you cannot listen in on a conversation of Osama bin Laden. I don't think it is credible to anybody that that would be the case.

Finally, he raises the concern that somehow we are insulting the FISA Court, saying they are not doing a good job. To the contrary, we are trying to give them the power to enforce their will. We are trying to give them the ability to say: Wait a minute. You guys are not doing what you said you were going to do. That is not an insult. That is essential for the court to be able to do its job. Let's worry less about the alleged and, frankly, false notions about the feelings of a secret court and worry more about the rights and privacy of perfectly innocent Americans.

Mr. President, I turn now to amendment No. 3915, another amendment I offered known as the use limits amendment. As I explained earlier this week, my amendment simply gives the FISA Court the option of limiting the Government's use of information about information about U.S. persons that is collected under procedures the FISA Court later determines to be illegal. That is about as minimal a safeguard as you can get.

It is unfortunate that some of those who oppose my amendment are mischaracterizing what it does. The Attorney General and the DNI sent the majority leader a letter yesterday in which they expressed their objections to this amendment. Twice in the letter, they stated that this amendment would place limits on the use of information that doesn't concern U.S. persons. That is flat-out false, Mr. President. The use limits proposed in this amendment specifically apply to ''information concerning any United States person.'' That is what it says. Use limits in this amendment apply only under those circumstances. There is nothing ambiguous about this language. These patently false claims that the amendment applies to information about non-U.S. persons just show the lengths to which opponents of the amendment will go to generate opposition to this or any other reasonable amendment.

We have also heard that the amendment would create a massive operational burden. Mr. President, that also just isn't true. The Government already does what is necessary to implement the use limits in the amendment.

First, declassified Government responses to oversight questions of the Congressional Intelligence Committees reveal that the Government is already labeling communications obtained under the so-called Protect America Act. So the Government already tracks which communications are acquired under these particular authorities, which would be the first step here.

Second, the Government already has to comply with minimization requirements that are supposed to protect information about U.S. persons. These requirements kick in whenever the Government wants to disseminate any acquired communications that include information about U.S. persons. That means intelligence analysts already have to determine, before any communications collected under these authorities can be used in any of the contexts we are talking about here, whether they contain any information about U.S. persons. Indeed, the administration constantly reminds us of this fact when claiming that minimization requirements do enough to protect Americans.

Mr. President, given that the Government is already required and equipped to examine any communications it proposes to use in order to determine whether U.S. person information is present, the argument that the amendment somehow imposes a massive new burden is very difficult to understand.

Perhaps the explanation lies in the administration's repeated statements

that the amendment would put limits on the use of information about non-U.S. persons. If this were true, then it is conceivable that my amendment would create an additional operational burden. But those statements are completely and utterly false, as I have explained. The amendment explicitly states that the use limits apply to ''information concerning any United States person''—information that is already subject to minimization requirements.

I want to also address the argument the chairman of the Intelligence Committee made that this amendment is somehow different than the existing use limits for emergency surveillance. The chairman argued that the amendment, unlike the emergency use limits, could affect ''thousands'' of communications. As I pointed out yesterday, the amendment addresses that concern by creating a huge exception to the use limitations, an exception that is not present in the emergency use limits provision. Under the amendment, the FISA Court can allow the Government to use even information about U.S. persons that is obtained by unlawful procedures, as long as the Government fixes the problem with the procedures. So, in fact, this amendment is far less restrictive than the use limits for emergency surveillance, despite the claim of the chairman otherwise.

Even more important, we have to remember what these thousands of communications are. The only information that would be subject to use limits is information about U.S. persons collected under illegal procedures—procedures that failed to reasonably target people overseas. The underlying bill prohibits the Government from collecting this information in the first place. My amendment gives this prohibition some teeth by limiting the use of information that has been illegally collected.

The opponents of this amendment may argue that the government has no intention of doing anything that would be unreasonable under the law. My response is, if it does, there ought to be some enforcement. There ought to be a way to make sure that doesn't happen, not just the assurance of the chairman and vice chairman.

Moreover, if the Government has collected thousands of communications illegally, isn't that all the more reason to try to contain the damage and limit the impact on innocent Americans? That is not hamstringing the Government; it is just requiring the Government to comply with the law that we are actually passing.

My amendment simply provides an incentive for the administration to follow the law as it is written. If we pass a law that has no meaningful consequence for noncompliance with the law, I think we are taking a real gamble as to whether the administration will choose to comply. I am not personally willing to accept the odds on that one.

Once again, I urge my colleagues to support this amendment, and I reserve the remainder of my time and yield the floor.

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

Mr. ROCKEFELLER. Mr. President, I ask my esteemed vice chairman if I might have 6 minutes to oppose Senator FEINGOLD's reverse targeting amendment No. 3913.

Mr. BOND. I am happy to yield that time to the chairman.

Mr. ROCKEFELLER. The Senator from Wisconsin has an amendment that requires a FISA Court order if the Government is conducting surveillance of a person overseas, but a significant purpose of the surveillance is to collect the communications of a person inside the United States with whom the target is communicating.

I share the Senator's goal in protecting the privacy interests of Americans, but I am afraid this amendment, as drafted, is unworkable and unnecessary.

The amendment is described as a way to prevent reverse targeting—circumstances in which the Government would target persons overseas when its actual target is a person within the United States with whom the overseas person is communicating.

The fact is, reverse targeting is prohibited under FISA today. I repeat, it is prohibited under FISA today. If the person in the United States is the actual foreign intelligence target, the Government must seek a FISA order, and, in fact, the Government would have to have every incentive to do so in order to conduct comprehensive surveillance of such a person.

What is more, the base bill, S. 2248, makes the prohibition on reverse targeting explicit. The Government cannot use the authorities in this legislation to target a person outside the United States if the purpose of such acquisition is to target for surveillance a person within the United States.

In addition, the base bill, the Intelligence Committee bill, also strengthens the protection of U.S. person information that is collected in the targeting of foreign targets overseas by requiring that the FISA Court approve the minimization procedures that apply to this collection activity.

The Feingold reverse targeting amendment, however, goes too far. The amendment would prohibit the Government from using the authorities of this act ''if a significant purpose'' of the acquisition is to ''acquire the communications'' of a particular known person within the United States. In order to acquire such communications, the Government would be required to seek a regular FISA Court order.

The problem is that we are revising the Foreign Intelligence Surveillance Act today in large measure precisely because we want the intelligence community to have the ability to detect and acquire the communications of terrorists who call into the United States. In other words, in order to detect and prevent terrorist attacks, finding out if a foreign terrorist overseas is in contact with associates in the United States is actually a significant purpose of this legislation, and it will always be a significant purpose of any targeting of a foreign terrorist target overseas by the intelligence community.

As the Statement of Administration Policy—that is objections usually that come over from the White House—points out:

> A significant purpose of the intelligence community activities is to detect communications that may provide warning of homeland attacks and that may include communication between a terrorist overseas who places a call to associates within the United States. A provision that bars the intelligence community from collecting those communications is unacceptable.

Who is to say that person from overseas is not a terrorist and he is contacting a person in the United States to discuss something which is not in the national interest or which has intelligence implications? You cannot in good conscience bar the intelligence community from collecting these communications. That is unacceptable.

Again, reverse targeting is prohibited under current law. I think that is the third time I have said that. Reverse targeting is prohibited by the committee bill. The amendment is not needed to achieve its stated goals. It will harm vital intelligence collection. I urge the amendment be defeated.

I reserve the remainder of our time.

The PRESIDING OFFICER (Mr. CASEY). Who yields time?

The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, I will speak with regard to amendment No. 3913, the one about which the chairman just spoke, the so-called reverse targeting amendment I have offered. Reverse targeting is what happens when the Government wiretaps persons overseas when what they are really interested in is the Americans with whom these foreigners are talking. I think most of my colleagues would agree that this bill should not open up a backdoor to get around the requirement in FISA for a warrant to listen in on Americans at home.

The lack of any substantive arguments against my amendment is made clear by the letter the DNI sent on Tuesday. The arguments just offered by the chairman were almost identical to the arguments offered by the DNI and by the Attorney General. In fact, that letter, which severely mischaracterizes the amendment, actually underscores why the amendment is good both for civil liberties and for national security.

First, the letter confirms that reverse targeting is not, in fact, prohibited by the underlying bill. We keep hearing the chairman and vice chairman say it is already prohibited. It is not. The DNI writes that the Intelligence Committee bill only prohibits warrantless collection when the American is ''the actual target.'' That cannot be read as a prohibition on reverse

targeting. That is just a prohibition on direct targeting of an American at home, and it does nothing to protect Americans from what the DNI himself has said is unconstitutional.

Second, the letter cites ''operational uncertainties and problems,'' but it does not bother to identify what those are. Yes, my amendment would require a new procedure, just like everything else in this bill, but the Government should already have procedures to protect the constitutional rights of Americans. If it does not, that is all the more reason to adopt the amendment.

Third, the letter actually makes one of the strongest arguments in favor of my amendment when it warns of insufficient attention to the American end of an international terrorist communication. If a foreign terrorist is talking to an American inside the United States, the intelligence community should get a FISA warrant on that American so it can listen in on all his communications, and it certainly would have no problem getting that warrant. Without that warrant, the Government will never get the full picture of what that American is doing or plotting. Yet the DNI's letter seems to argue that the Government would not want to get a FISA Court warrant to listen in on all the communications, including the domestic communications, of a terrorist inside the United States. I do not believe this is a serious argument, but if it were, it would suggest that our Government is not doing everything it can do to track down terrorists.

Finally, the letter seriously mischaracterizes the amendment. The amendment does not bar acquisition of communications between terrorists overseas and their associates in the United States. It does not in any way affect the Government's ability to discover and collect those communications. It does not apply to incidental collection of communications into the United States, and it does not even apply when the Government has identified a known individual with whom the foreign terrorist is communicating. Only when a significant purpose of the surveillance is to get information on a person inside the United States does the Government need to get a court warrant. That is not just required by the Constitution of the United States, it is how the Government can most efficiently and effectively protect us.

I hope my colleagues will support this modest proposal to prevent these new powers from opening a huge loophole to the requirement in FISA that the Government get a court order to target Americans in the United States.

Mr. President, I reserve the remainder of my time on this amendment, and I yield the floor.

The PRESIDING OFFICER. Who yields time?

The Senator from Missouri.

Mr. BOND. Mr. President, I yield myself 3 minutes on amendment No. 3913.

It is interesting to hear that the proponent of this amendment thinks the letter laying out the reasons against the amendment are reasons for it. That is a trick I have not learned, to say that when somebody says that the reverse targeting amendment would make it impossible when that person and those people really represent the agency responsible and the oversight body of the Department of Justice somehow makes their case.

I also call the attention of my colleagues to a statement from the Civil Liberties and Privacy Office of the Office of the Director of National Intelligence. In that statement, the Civil Liberties and Privacy Office says:

> Concerns have been raised that the PAA could result in the interception of U.S. person communications. As explained in the Department of Justice September 14 letter, and in a letter by the DNI's Civil Liberties Protection Officer dated September 17, 2007, U.S. persons' privacy interests are protected through ''minimization procedures,'' which must meet FISA's statutory definition. In addition, ''reverse targeting'' is implicitly prohibited under existing law.

As a side note, Mr. President, this measure explicitly prohibits reverse targeting, but the Privacy Office goes on to say:

> The SSCI bill in addition requires review of minimization procedures and explicitly prohibits reverse targeting. In addition, the bill provides the FISA court with ongoing access to compliance reports and information about U.S. person disseminations and communications, and the explicit authority to correct deficiencies in procedures. The bill also requires annual reviews of U.S. person disseminations and communications and extensive reports to Congress.

This is a clear statutory framework. As a practical matter, if there was a desire to target someone in the United States, if that person was thought to have foreign intelligence information and acting as an agent of a foreign power, an officer, or employee, a FISA Court order is the simplest way to do it. Nobody has explained how you can target a foreign terrorist to get collections on a particular U.S. person unless that person is engaged in a terrorist activity, and you have to target an overseas person who has foreign intelligence information, and that is the legitimate reason for making the collection against the foreign target. No terrorist information. The information is minimized and not used.

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

The PRESIDING OFFICER. Who yields time?

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. 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.

PENDING NOMINEES

Mr. REID. Mr. President, I have a friend. I have known him for a long time. His name is Steve Walther. Steve Walther was a very prominent Nevada lawyer, a senior partner in a law firm, with qualifications that are unsurpassed. I have always liked Steve very much. And he made a comfortable living. I called him once and said: Steve, have you ever considered doing something different?

A wonderful story about Steve, to show what a tremendously good guy he is. He has a little boy named Wyatt. Steve married a woman and he raised their children. They were his children once married, but he had never had his own child. His wife went to the doctor, and she was nearing 50 years old and was sick, and found out she was having a baby. So late in life they had this baby, and I will never forget what she said. She said: When I had my first two babies, time went by so slowly. But she said: Now I am older and understand, and I want everything to be fine, so I can't take enough time to make sure the baby is fine. And the baby is fine.

Anyway, I said to Steve: You could afford to come back here. How would you like to be a member of the Federal Election Commission? He is not a Democrat; he is an Independent. He has done things for decades with the American Bar Association, held all kinds of prominent positions with the American Bar Association nationally. He said: OK, I think it would be a good idea. Wyatt can come back and spend some time in Washington. So he served for nearly two years on the Federal Election Commission. Everybody said he was outstanding, as I knew he would be.

Also on that Federal Election Commission, prior to the first of the year, was another Democrat by the name of Bob Lenhard. He had served on the FEC with Steve. He and Steve worked well together. They worked well together with everybody on the Commission, and he and Steve did a good job.

The Federal Election Commission is critically important because it enforces our Nation's campaign finance laws. Both these nominees lost their jobs at the end of last year because the Republicans refused to permit a vote on their nominations to the FEC. They said they would not allow an up-or-down vote on these nominations of Lenhard and Walther. Nothing about their qualifications. They were both outstanding members of the Federal Election Commission. The reason they would not allow a vote on them is they would not allow a vote on their own nominee, a man by the name of Hans von Spakovsky. They are filibustering their own nominee.

I said: Let's vote on all of the FEC nominees, any order you want. We will vote on ours first, last, we don't care. Let's just have a vote on them. No. Unless we would guarantee von Spakovsky would pass, no. I don't know if Mr. Spakovsky would pass. I suspect the Republicans don't think so. But it seems fair to me that we should have votes on these nominees.

The record over the years is full of remarks by my Republican colleagues characterizing the up-or-down vote as the gold standard of reasonableness in Senate process. That is apparently not the view when it comes to one of their nominees, who would actually stand a chance of losing a vote. Republicans won't allow a vote on our Democrats unless we approve this person. That doesn't make sense.

The reason these FEC nominees, including Steve Walther, have not been approved rests squarely with the White House and the Republicans.

Mr. President, I ask unanimous consent to have printed in the RECORD two editorials.

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

[From the New York Times, Jan. 31, 2008]

WHILE THE ELECTION WATCHDOG WANDERS

The presidential campaign's heated fundraising sweepstakes finds lobbyists hurriedly ''bundling''—amassing additional hundreds of thousands from donors to re-stake surviving contenders for the next primary rounds. (Lobbyists reportedly bundled $300,000 for Senator John McCain in one night in Washington after his stock revived on the campaign trail.)

In packaging political influence by superlarge chunks, money bundlers are at least as crucial to understanding where candidates stand as their campaign vows. Fortunately for voters, a new election law mandates the disclosure of the names of lobbyists and other bundlers working the high-roller realm of donations of $15,000 or more. Unfortunately for the same voters, this vital law cannot yet be implemented.

A partisan standoff blocks the Senate from filling four existing vacancies on the Federal Election Commission. The six-member panel is powerless to form a quorum and write the regulations needed to shed sunlight on bundling. Senator Mitch McConnell, the Republican minority leader, is refusing to allow individual up-or-down majority votes on nominees for the commission. Mr. McConnell threatens a filibuster unless they are voted on as a single package—an obstructionist tactic to protect a highly unqualified Republican nominee, Hans von Spakovsky, from rejection in a fair vote.

Mr. von Spakovsky is a notorious partisan who previously served the Bush administration as an aggressive party hack at the Justice Department. There, he defended G.O.P. stratagems to boost Republican redistricting and mandate photo ID's in Georgia—a device to crimp the power of minorities and the poor who might favor Democrats at the ballot.

President Bush refuses to withdraw the von Spakovsky nomination, while the Democrats demand he be considered on his individual record, not yoked to three less controversial nominees. We urge the Senate majority leader, Harry Reid, to highlight this blot on democracy by moving the von Spakovsky nomination as a separate measure and demanding a cloture vote. Force the Republicans to either filibuster against their own unqualified partisan or dare to vote for him in broad daylight.

---

[From the Washington Post, Jan. 28, 2008]

UP OR DOWN

''We need to get him to the floor for an up-or-down vote as soon as possible,'' Sen. Mitch McConnell (R-Ky.) said of Michael B. Mukasey, then the nominee for attorney general. John R. Bolton ''deserves an up-or-down vote so that he can continue to protect our national interests at the U.N.,'' Mr. McConnell said of the nominee to be United Nations ambassador. ''Let's get back to the way the Senate operated for over 200 years, up-or-down votes on the president's nominee, no matter who the president is, no matter who's in control of the Senate,'' he said during the dispute over judicial filibusters.

Mr. McConnell's devotion to the principle of up-or-down votes for nominees, it turns out, has limits: Apparently fearing defeat if a simple majority vote were allowed, the minority leader has refused to accept Senate Democrats' offer for such a vote on President Bush's choice for a Republican seat on the Federal Election Commission. The consequence is that, as the country begins an election year, the agency entrusted with overseeing enforcement of the federal election laws is all but paralyzed: Only two commissioners are in place, meaning that the agency, six members when it is at full strength, cannot initiate enforcement actions, promulgate rules or issue advisory opinions.

The standoff involves Hans A. von Spakovsky, a former official in the Justice Department's civil rights division who had been serving as an FEC commissioner until his recess appointment expired last month. Democrats and civil rights groups argue, with some justification, that Mr. von Spakovsky's tenure at Justice was so troubling that he does not deserve confirmation to the FEC post. Some Democrats had threatened to filibuster the nomination, but Senate Majority Leader Harry M. Reid (D-Nev.) managed to offer an up-or-down vote on each of the four pending nominations to the agency, two Republicans and two Democrats. But Mr. McConnell and fellow Republicans have insisted that the nominees must be dealt with as a package, with no separate votes allowed. To be fair to Mr. McConnell, the practice has been to vote on FEC nominees as a package to ensure that the politically sensitive agency remains evenly divided between the two parties. But that has not been an absolute rule; indeed, the last nominee who generated this much controversy, Republican Bradley A. Smith, had a separate roll call vote and was confirmed 64 to 35 in 2000. But Senate Democrats could commit to a quick vote on a replacement nominee, if they were able to muster the votes to defeat Mr. von Spakovsky.

We have suggested previously that it is more important to have a functioning FEC than to keep Mr. von Spakovsky from being confirmed. But Mr. McConnell ought to explain why the up-or-down vote he deemed so critical in the case of Mr. Mukasey, Mr. Bolton or appellate court nominee Miguel A. Estrada is so unacceptable when it comes to Mr. von Spakovsky.

Mr. REID. Mr. President, I can gather one thing from the President's unwillingness to resolve the Federal Election Commission problem. That is that they would rather have no election watchdog in place during an election year.

The background on the FEC makes the call from Mr. Walther particularly remarkable. Listen to this, now. It even gets better.

Steve Walther called to tell me he had been invited to the White House by the President to push for his nomination. I got calls from other people whom I had placed in the works to get approved by the Senate. They were all invited to the White House tomorrow morning. All nominees that the President has pending were invited to the White House, Democrats and all. Why? To complain about the Democrats not approving them.

This leads me to tell you a little experience I have had, and we have all had, with this President. The President is in fact hoping to have breakfast with all the nominees, Democrats and Republicans, now pending in the Senate, in an effort to force the Senate to confirm all these people. They must live in some alternative universe. I talked yesterday about the Orwellian nature of this White House, and this is it. He has invited people to the White House to complain about our not approving them when they—the President and the White House—are the reason we are not approving many of them.

He invited Mr. Walther, Mr. Lenhard and other Democratic nominees to the White House, along with all his Republican nominees, to get them to be a backstop, a picture, so he can come out and give one of his Orwellian speeches that these people are not being approved because of the terrible Democrats in the Senate. Actually, we are waiting for him to allow us to have votes on a number of these nominees.

The President's breakfast only needed one attendee. Only one. That is because only one nominee matters to this President. It should be an intimate breakfast between President Bush and a man by the name of Steven Bradbury. Why do I say that? I say that because of all the nominees the President will profess to care about at this breakfast, Steven Bradbury stands head and shoulders above all the others in the President's esteem. I am not guessing; I was told so by the White House.

Right before the Christmas recess, I called the President's Chief of Staff, Mr. Bolten. A wonderful man; I like him; easy to talk to and easy to deal with. I said: I tell you what, Josh. We are going to go into recess, and why don't we have an agreement on who the President wants to have recess appointed and, in fact, I will give you some suggestions. You can have a member of the Federal Reserve Board of Governors, you can have a Federal Aviation Agency, and you can have a couple of other Chemical Safety Board members. I said: Not only that, there are 84 other Republican nominees we will approve. There are 8 Democrats, 84 Republicans. Pretty good deal. He said: Let me check.

He called me back and he said: Well, what we want is to have a recess appointment of Steven Bradbury. I said: Josh, I didn't recall the name. Let me check. I checked with Chairman LEAHY, I checked with Senator DURBIN, who is a member of that committee, I checked with Senator SCHUMER, who is on that committee, and they and others said: You have to be kidding. This is a man who has written memos approving torture, and that is only the beginning.

Senator DURBIN—I don't know if he has time today—will lay that out in more detail.

I called Josh back and I said: Josh, that man will never get approved. He has no credibility. He said: Well, let me check with the President. He called back and said: It is Bradbury or nobody. I said: You are willing to not allow 84 of your people to get approved because of this guy? He said: Yes, that is what the President wants.

Now there are 84 nominees, and among them somebody Secretary Chertoff wanted badly. Secretary Chertoff called me personally on someone and he said: You have to give us this person. We have important things to do here. If I don't get her, they will send me somebody from OMB, and that will be a person who doesn't know anything from anything. You have to help me with this.

The head of Alcohol, Tobacco and Firearms, four Department of Defense assistant secretaries, the Deputy Director of the National Drug Control Policy, the Director of the Violence Against Women's Office, Assistant Attorney General, Under Secretary of Commerce for International Trade, Director of the Census, Solicitor for the Department of Labor—these are only a handful of the jobs of the 84.

Now, these jobs, all Republicans, all names given up to us by the President, are jobs these people have sought for their whole lives. Head of the Census, head of the National Drug Control Policy, Director of Violence Against Women's Office, Solicitor for the Department of Labor. Nope, they are not going to have a job.

I thought about that. That was a decision the President made, willing to throw 84 people under the bus, run over them, for one person he knew he couldn't get. That is 84 plus the 4 he could recess appoint. So what we did, we stayed in session during the entire holiday recess. But before we went out, I thought to myself, I don't know these 84 people. Some of them I have met, but these are jobs that are important to our country, jobs that are important to these individuals and their families. I made the decision that because the President is willing to do what I think is so unfair, so unreasonable, that doesn't mean I am going to be unfair and unreasonable. So I called Secretary Chertoff and others and said: Just because your boss is unreasonable and unfair, I am not going to be that way. So I am going to walk out on the floor and approve every one of them, which we did. So for him to have that meeting tomorrow takes about as much gall as I can even imagine, to have a meeting where he brings in all the people who have not been approved. And had I not been, in my own words, generous, he would have had 84 more people he would have had to invite down there.

I can't imagine how he could invite Democrats down to the White House. Several of them are being blocked in this body by Republicans. Same goes for a number of Republican nominees. Democrats are willing to approve them and Republicans stand in the way. Why would he invite them down there also? But he did, because there is an Orwellian thought process that goes on down there saying Democrats aren't allowing these people to get approved, which is the direct opposite of the truth.

All for one person it appears, Mr. Bradbury. Whatever the White House wants, Bradbury would give it to them in a legal opinion. We are not going to accept that. What the President is trying to do with this show tomorrow is so unreasonable, so unfair, and so out of step with reality—as is the budget he gave us on Monday—that I hope the American people understand what is going on in this country.

It is too bad we have a situation where the President of the United States would have a meeting in the White House and invite everybody to say: I am sorry you are not going to be approved, it is their fault, when the truth is, it is his fault.

Now, here are the people we confirmed. They are right here. Everybody can see them. We confirmed all of them. And had it been up to the President, not a single one would have been confirmed.

The PRESIDING OFFICER. The assistant majority leader.

Mr. DURBIN. Mr. President, I am glad the majority leader has come to speak about this issue. It is hard to imagine what is going through the mind of the President that he believes he can make an argument tomorrow with the meeting at the White House, that we have been unreasonable in dealing with his nominations.

Senator REID spelled out what happened. We tried, in many ways, to get some balance in nominations. That is done all the time so Republicans and Democrats will be appointed. It is done by both parties. I have seen it in the years I have been around the Senate. When Senator REID made that offer in December, the White House said: No, they would not do it unless they could have this one nomination, Mr. Bradbury. And I will have to say I think Senator REID went that extra mile, an extra 84 miles, as a matter of fact, and he basically said 84 of those Bush nominees would be confirmed.

The majority leader recounted several phone calls he received this week from Democratic nominees to bipartisan commissions. I heard from my friend, Tom Carper, not the Senator from Delaware but a friend of mine from McComb, IL, who has been nominated to serve on the board of directors of Amtrak.

Tom has been working on passenger rail issues for 20 years, 12 years as mayor of the city of McComb, IL, which is served by Amtrak. As mayor, he served as the chairman of the Amtrak Mayor's Advisory Council. He received national recognition for his leadership on Amtrak issues.

He saw firsthand the enormous potential that passenger rail service can have for towns, such as McComb, small towns that might be overlooked otherwise. He helped to make the potential of Amtrak service a reality. We have such a success story of Amtrak in Illinois in the last year or two, with dramatic increases in ridership. Tom saw this coming and was a real leader. He convinced the State of Illinois to double its State investment in Amtrak. He worked with a broad coalition of passenger, business, labor groups, and elected officials to increase Amtrak service across our State.

We are experiencing a renaissance in terms of passenger rail in our State in a short period of time. Senator REID was given an opportunity to fill a vacancy on the Amtrak board. I asked him to consider former Mayor Tom Carper of McComb, IL. He was kind enough to recommend him. There are seven voting members on the Amtrak bipartisan board—three Republicans, three Democrats, and the Secretary of Transportation. Currently, there are four vacancies on the board, which means the board does not have enough members for a quorum, and it forces the board to conduct business via an ''Executive committee.''

On our last day of session in December, Senator REID, I think through great effort and courtesy, rose above the President's refusal to cooperate on nominations and worked to confirm more than 80 nominations in a single day. But we could have—and should have—confirmed at least two more. Senator REID and I worked together and offered to confirm two nominees to the Amtrak board—one Democrat, Tom Carper, and one Republican, both of whom had been favorably reported by the Commerce Committee.

The Republicans objected. They insisted that we confirm one Democrat and two Republicans or none at all. Now, this ''all-or-nothing'' approach is not new. We have seen this before when it comes to nominations.

As the majority leader described, I think the most glaring example of this is the nomination of Steven Bradbury to be Assistant Attorney General. The majority leader was willing to allow additional confirmations—and even recess appointments—for a number of nominations.

I can tell you, having dealt with Senator REID, he bends over backward to be balanced in this approach. That is the way it has to be in the Senate. That is the way the institution operates. But the White House turned down his offer. They turned down his offer because of one nomination, the nomination of Steven Bradbury.

It was clear this request, Mr. Bradbury, was going to be rejected. Mr. Bradbury's nomination has been returned to the White House four times since he was first nominated for the job in June 2005. What part of ''no'' does the White House fail to understand?

Why does the President care so much about this one nominee that he is willing to sacrifice all these other nominees? He is going to fill the White

House with people who are going to have this fine White House china in front of them, sipping coffee and tea and eating little cookies and complaining that somehow or another the Democrats in the Senate are ignoring their need to serve our Government.

We are not ignoring it. Senator REID has offered repeatedly to confirm these nominees on a balanced basis, even giving the President 84 nominees without this balance. They have said: No deal unless we get Steven Bradbury. He is the only appointment, clearly, who is important to this administration. Why? What is it about this man? What would possibly be in his background or his potential for future service that would be so important?

Well, this is worth talking about for a minute. Steven Bradbury is the head of the Office of Legal Counsel, also known as OLC. OLC is a small office and most people have never heard of it, but it has a great deal of power, especially in this administration. The Office of Legal Counsel issues legal opinions that are binding on the executive branch of Government.

In the Bush administration, OLC has become a rubberstamp for torture policies that are inconsistent with American values and laws. In August of 2002, the Office of Legal Counsel issued the infamous torture memo. This memo sought to redefine torture, narrowing it to a limited situation of abuse that causes pain equivalent to organ failure or death. These words meant the United States was preparing to abandon generations of commitment to outlawing and prohibiting torture. This memo also concluded the President has the right to ignore the torture statute, which makes torture a crime. This memo was official Bush administration policy for years, until it was finally leaked to the media, and the administration was forced to repudiate it.

Jay Bybee, who was then the head of the Office of Legal Counsel, signed that memo. Unfortunately, Mr. Bybee was confirmed to a lifetime appointment on the Federal bench in the Ninth Circuit before Congress and the American people learned about his complicity in the creation of this infamous torture memo, a memo that was repudiated by the Bush administration once it became public.

Jack Goldsmith succeeded Jay Bybee as head of the Office of Legal Counsel. Mr. Goldsmith is a very conservative Republican, but even he was disturbed when he heard what was happening at the Office of Legal Counsel.

As head of that office, he revoked the misguided OLC opinions dealing with warrantless surveillance and torture. He decided those opinions went too far.

Deputy Attorney General Jim Comey supported Mr. Goldsmith's actions. Let me say a word about Mr. Comey. My colleague and friend for years, Senator SCHUMER, first told me about Jim Comey when he was chosen to be the Deputy Attorney General under Attorney General Ashcroft. Senator SCHUMER told me Jim Comey was a straight shooter, an honest man who would not compromise his principles in public service. He said I could trust Jim Comey. During the period Jim Comey served in our Government, CHUCK SCHUMER was right. Jim Comey enjoys that reputation because he earned it.

We now know what happened because it has come to light that there was an infamous showdown at the bedside of Attorney General John Ashcroft, who was hospitalized in an intensive care unit, where White House Chief of Staff Andrew Card and former Attorney General Alberto Gonzales tried to pressure a then-ailing John Ashcroft into overruling Jack Goldsmith and his acts in the Office of Legal Counsel. It is hard to imagine that they would go into a hospital wing, with the acting Attorney General and with the President's Chief of Staff, to a man in an intensive care unit and try to persuade him to sign a document to overrule Jack Goldsmith.

Fortunately, Attorney General John Ashcroft, to his credit, refused. When Jack Goldsmith finally left the Justice Department, the administration realized they did not need any more trouble from the Office of Legal Counsel, they needed someone in that office who would not rock the boat, would not question their opinions, someone who would rubberstamp their policies.

So, in June 2005, President Bush nominated Steven Bradbury to succeed Jack Goldsmith—Steven Bradbury, the person who has now become the centerpiece of the entire appointment agenda of the Bush administration. Although Mr. Bradbury has never been confirmed in this position, he has effectively been head of OLC for 2½ years.

In 2005, Mr. Bradbury reportedly signed two OLC legal opinions approving the legality of abusive interrogation techniques. One opinion, on so-called ''combined effects,'' authorized the CIA to use multiple abusive interrogation techniques in combination.

According to the New York Times, then-Attorney General Alberto Gonzales approved this opinion of Mr. Bradbury over the objections of then Deputy Attorney General Jim Comey, who said the Justice Department would be ashamed if the memo became public.

Mr. Bradbury also authored and Alberto Gonzales approved another Office of Legal Counsel opinion, concluding that abusive interrogation techniques, such as waterboarding, do not constitute cruel, inhumane or degrading treatment. This opinion was apparently designed to circumvent the McCain torture amendment. I was proud to cosponsor JOHN MCCAIN's torture amendment. We are in the midst of a Presidential campaign, and I suppose you have to be careful as a Democrat saying anything positive about a man who may be the Republican nominee.

But I could not think of another Senator who could speak with more authority on interrogation and torture than JOHN MCCAIN, who spent over 5 years in a Vietnam prison camp. He came to this floor and made an impassioned plea for us to make it clear that torture would not be part of American policy.

In the end, he won that amendment by a vote of 90 to 9, an amendment which absolutely prohibits cruel, inhumane or degrading treatment. Steven Bradbury, now infamous for his role in memo after memo relating to torture, felt he found a way, through an opinion, for the administration to avoid the impact of the law the President signed, the McCain torture amendment.

That is what this is about. This is not a casual situation where I find Mr. Bradbury personally offensive. We are going to the heart of a question as to whether this man can serve this country in this critical position in the White House based on what we have seen over and over again: his complicity in some of the most embarrassing chapters in this administration, including some that have been publicly repudiated.

Last fall, while the Senate was considering the nomination of Judge Michael Mukasey to be Attorney General, the judge pledged to me in writing that he would personally review all of the Office of Legal Counsel's opinions dealing with torture. He said he would determine whether each of these opinions can be provided to Congress and whether he agreed with the legal conclusions of each of these opinions. This promise made by Attorney General Mukasey to me, to the Judiciary Committee, and to the Senate is a matter of public record.

Last week, Attorney General Mukasey appeared before the same Judiciary Committee for the first time since he was confirmed. I asked him point-blank whether, as he had promised, he had reviewed all of the OLC torture opinions. I specifically asked him about Steven Bradbury's ''combined effects'' opinion, which Jim Comey said would shame the Justice Department if it became public. Sadly, the Attorney General said he had not reviewed those opinions. He realized that he had made a promise to me that he would, and we left it at that. He did acknowledge in the course of his testimony how much he respected Jim Comey, how he had turned to him for advice and believed he was an honorable man. I feel the same. I trust that Attorney General Mukasey is also an honorable man who will keep his word.

In the meantime, while all of this continues, Steven Bradbury remains as the effective head of the Office of Legal Counsel, even though it has been 2½ years since he was nominated and he has never been confirmed. Legislation known as the Vacancies Reform Act prohibits a nominee from serving for this long without confirmation. It makes a mockery of the confirmation process that Mr. Bradbury assumes a role he has never been given under the law. Apparently, he is so important to

the Bush administration, they are willing to violate this law to keep him in his position, and they are prepared to toss overboard scores of nominations which could be approved by this bipartisan Senate if they would only relent on this nominee, who is obviously not going to be approved. The fact that Mr. Bradbury continues to serve as the effective head of the Office of Legal Counsel appears to be an attempt to circumvent the confirmation process in order to install this controversial nominee in a key Justice Department post in the closing days of this administration.

Ironically, the Vacancies Reform Act to which I referred was passed by the Republican-controlled Congress in 1998 to limit the ability of then-President Clinton's nominees to continue to serve in an acting capacity. The legislation was specifically targeted at Bill Lann Lee, the first-ever Asian-American head of the Civil Rights Division. Apparently, the Bush administration is ignoring the very law which a Republican Congress passed to make it clear that the President does not have the authority to appoint people like Steven Bradbury in an acting capacity without confirmation.

Why has Mr. Bradbury not been confirmed? For years, the Justice Department has refused to provide Congress with copies of the opinions Mr. Bradbury authored on torture. Mr. Bradbury has refused to answer straightforward questions from myself and other members the Judiciary Committee regarding his role in this.

Here is what I said in November 2005 about Mr. Bradbury's nomination:

> Since the Justice Department refuses to provide us with OLC opinions on interrogation techniques, we do not know enough about where Mr. Bradbury stands on the issue of torture. What we do know is troubling. Mr. Bradbury refuses to repudiate un-American and inhumane tactics such as waterboarding.

As I have said before, I believe that at the end of the day, when the history is written of this era, there will be chapters that will not be friendly to this administration.

In past wars, Presidents of both political parties have been guilty of excessive conduct, in their own view, as part of national security. One can remember the suspension of habeas corpus by President Lincoln during the Civil War, the Alien and Sedition Act of World War I, and the Japanese internment camps of World War II. All of these examples, as we reflect on them in history, do not reflect well on this country. Decisions were made which many wish could be undone. The same is likely to be true when it comes to the issue of torture and the war on terrorism under the Bush administration; this issue of warrantless surveillance, where for years, literally, this administration went beyond the law and attempted to intercept communications when they could have come to Congress and received bipartisan support for an approach which would have kept America and our Constitution safe.

Yesterday, we learned why Steven Bradbury is so important to the White House. We also learned why he refuses to condemn waterboarding. It was Super Tuesday, so a lot of political minds were focused on other places and other things. Unfortunately, it didn't get a lot of attention, but every American should know what happened yesterday on Capitol Hill.

In testimony before the Senate Select Intelligence Committee, CIA Director Michael Hayden acknowledged that the United States of America has used waterboarding, a form of torture, on three detainees. Waterboarding, or simulated drowning, is a torture technique that has been used since at least the Spanish Inquisition. It has been used by repressive regimes around the world.

Every year, the State Department issues a report card on human rights in which we are critical of other countries that engage in what we consider to be basic violations of human rights. Included in those basic violations is torture of prisoners. Included in that torture is waterboarding. So once a year we stand in judgment of the world and condemn them for engaging in waterboarding and torture techniques on their prisoners. Yet it is clear from the testimony yesterday of General Hayden that we have engaged in some of those techniques.

Following World War II, the United States prosecuted Japanese military personnel as war criminals for waterboarding American servicemen. The Judge Advocate Generals, the highest ranking military lawyers in each of the U.S. military's four branches, have stated publicly and unequivocally that waterboarding is illegal.

Now the United States of America has acknowledged engaging in conduct that we once prosecuted as a war crime. This is unacceptable.

Yesterday, I sent the Attorney General a letter. I wanted to spell out clearly for him, so there is no misunderstanding, why it is important that he respond to several requests which I have made for information. At the heart of it is a good man, a judge named Mark Filip, who serves in the Northern District of Illinois, a man whom I supported for his confirmation as a Federal judge and who has received positive reviews for his service on the bench.

Attorney General Mukasey would like Judge Filip to be his Deputy Attorney General. That is a good choice. But I have said to the Attorney General, there is only one thing between my enthusiastic vote for Mark Filip and his remaining on the calendar: The Attorney General has to respond to inquiries I have made, some of which were made months ago, on this critical issue of torture. I wanted to make certain that there was real clarity in my request. So I sent a letter to the Attorney General yesterday and said: Here is exactly what I am looking for, the letters we have sent, the questions we have asked, and I want you to respond to them. I hope I receive that response by the end of the day. If I receive that response and it is a good-faith response, even if I disagree with it, if it is a good-faith response, then Judge Filip can move forward. I hope he will. It is now in the hands of Attorney General Mukasey.

Let me highlight two of the questions I am asking: First, does Attorney General Mukasey agree with the legal conclusions of the Office of Legal Counsel torture memos written by Steven Bradbury, that Jim Comey believes the Justice Department would be ashamed of if they were made public? Second, will the Justice Department investigate the administration's use of waterboarding to determine whether any laws were violated? I didn't call for prosecution but simply for an honest investigation.

I recognize the Bush administration wants to confirm Steven Bradbury, to ensure they have a firewall to protect their torture policies. But what is at stake here is more important than this one nominee. This is about who we are as a country. This is about the United States, our values, our standards of conduct. This is about whether the United States can, with a straight face, be critical of regimes and countries around the world that engage in abusive interrogation techniques. This is about whether we protect American soldiers and American citizens from torture by unequivocally condemning those forms of interrogation. The United States cannot be a country that defends a practice which the civilized world has considered torture for over five centuries.

Democrats are willing to work with the President, in a bipartisan manner, to confirm nominations. But the President's response to the majority leader's work in confirming more than 80 nominations in December by renominating Steven Bradbury last month is not encouraging. If the President truly wants to confirm his nominations, he should not be pouring coffee and tea at the White House.

He ought to have his Chief of Staff, Mr. Bolten, pick up the phone and say: Let's get down to business. There are important Democrats and Republicans who can be appointed tomorrow if the President will understand that the entire fate and future of his administration should not hang on this one nominee, Steven Bradbury, who has been implicated in some of the most questionable practices of this administration. I hope the President and his Chief of Staff, after they have had their coffee with these potential nominees, will pick up the phone and work with us for the right result.

I yield the floor.

The PRESIDING OFFICER (Mr. MENENDEZ). The Senator from Alabama.

Mr. SESSIONS. Mr. President, I would like to share some thoughts on the FISA legislation. It is critically important, and we need to pass the Intelligence Committee bill.

I will first say, in response to my able colleague from Illinois, that General Hayden's comments in which he indicated three people had been subjected to waterboard torture are something we ought to think about. First, I am glad, as he said and has been repeated, waterboarding was only used three times early on after 9/11 against some of the most dangerous people we have ever dealt with.

As a result of the debate and discussion about that, we had an amendment on the floor of the Senate, which Senator KENNEDY offered to the Military Commissions Act in 2006, to prohibit waterboarding. It failed 46 to 53. We have a statute that does prohibit torture—Congress passed it overwhelmingly and it was supported by Senators KENNEDY, LEAHY, BIDEN, and others—that defined torture as infliction of severe physical or mental pain or suffering. I am glad we are no longer utilizing waterboarding. I hope we never have to do it again.

I just want to say to my colleagues, be careful how you portray the United States around the world.

Mr. Goldsmith, who has been quoted here and previously testified before our committee, has written a book. He said this war on terror has been the most lawyered war in the history of the Republic. Lawyers have been involved in everything. Great care has been given to ensure the law was followed. To compare waterboarding of 3 individuals to what was done to American prisoners by the Japanese in World War II is just unthinkable. To date, not a single prisoner whom we have captured in the War on Terror has died, to my knowledge, in American custody—maybe or one or two from some disease, but certainly not from abuse.

I just finished reading the book ''Hells Guest'' by Mr. Glenn Frazier from Alabama, a Bataan Death March survivor. About 90 percent of those prisoners died. They starved to death. They were beaten on a regular basis and abused in the most horrible way.

To even compare what was done to American soldiers wearing a uniform lawfully being a combatant to what has been done to a few people without any physical or permanent injuries is not fair. It is part of a rhetoric designed for political consumption at home that has embarrassed our country around the world and led decent people around the world to believe our military is out of control and we are systematically abusing and torturing prisoners when it is not so. We ought to be ashamed of ourselves to go on again and again about it.

We continue to be confused. Our country faces very real dangers. Terrorists are determined to damage this country. It is not just talk. We know it is true. They have done it before. They have attacked us around the world. They attacked us repeatedly before 9/11, and they desire to destroy our country.

Our administration made a decision after 9/11 that we could not treat these kinds of military attacks, designed to destroy our country by organized foreign forces, as normal law enforcement. I was a former Federal prosecutor. In a criminal prosecution, you try to catch people after they have committed the crime. But these acts are so horrible that the nature of them is such that they are acts of warfare and not crimes, and they need to be treated in that fashion. We remain somewhat confused about it. So the old policy meant you would investigate after the crime was committed. It was basically a stated or implicit policy of the Clinton administration. We cannot return to that kind of strategy.

One of the most important legal powers and authorities we have to defend America is the Foreign Intelligence Surveillance Act. It has played a key role in preventing subsequent attacks on U.S. soil for the last 6 years. We are dealing with very real, very imminent threats, and we must continue to assist the fabulous military and intelligence personnel who are working this very moment long hours to protect our Nation.

I have visited our National Security Agency and met with the people who gather the intelligence under this act. They love America. These are not people who are trying to harm our country and deny us our liberties. They are sterling individuals who carefully follow the rules we give them. They follow the rules. They say they cannot continue effectively to do their job unless we pass this legislation. They cannot continue to do what they need to do.

The terrorists waging war against our country do not fight according to the rules of warfare, international law, moral standards, or basic humanity. They have even, in recent days, apparently used mentally ill women as suicide bombers, setting off bombs that have resulted in the deaths of other people, as well as the poor people who had the bombs strapped to them.

So, historically, we have provided the protections of the Geneva Conventions only to those whose conduct falls within the rules of war, those who fight under a flag of a nation, who wear uniforms against other organized military units. However, under a twisted rationale, predicated on the belief by some that we are not fighting a real war, we have given more rights to these individuals, who flatly reject any rule of war, than we have provided to legitimate prisoners of war who have followed the rules of war. We have done that in a number of different instances—it is sort of amazing to me—including providing them with habeas corpus relief to go to Federal court. These are not traditional prisoners of war, but prisoners who are unlawful enemy combatants. So we have endangered, sometimes I really believe, not only our troops, who put themselves in harm's way—and are in harm's way right now—to carry out the policies we gave them, but innocent Americans here at home.

We have to keep this threat in the forefront of our minds. These are individuals dead set on the destruction of our country at any cost. There is nothing they will not do.

Let me state that the FISA law should be made permanent. It should not merely be extended with another sunset provision. It is a fallacious argument to claim we cannot revisit a law unless there is some sunset when it ends. As Members of this Congress, it is incumbent upon us to continually review legislation we pass to ensure that the laws are accomplishing the goals set forth and that no unintended consequences occur. There is no sound reason to pass critical legislation such as the Protect America Act and slap an expiration date on it.

Fighting the war on terror is a long-term enterprise that requires long-term institutional changes. As the Vice President said in a recent speech:

> The challenge to the country has not expired over the last six months. It won't expire any time soon, and we should not write laws that pretend otherwise.

The Intelligence Committee bill is a collaborative, bipartisan compromise that was crafted in consultation with members of the Intelligence Committee, the Director of National Intelligence, the Department of Justice, and the intelligence community after months of negotiation and review of highly sensitive information, most of which was classified, secret, about the current surveillance procedures and how they were being used by the Government to obtain critical national security information. We cannot overstress that the committee most intimately involved with this process and the electronic measures being utilized voted their bill out by an overwhelmingly bipartisan 13-to-2 vote.

Remember, it has been over 6 years 4 months since the terrible attacks of September 11, and we may be most thankful that not one attack has been carried out on our soil since that day. As we move further from that dreadful day, I fear our memories have begun to fade. Otherwise, there is no sound justification for doing anything other than reauthorizing the Protect America Act, which would allow the intelligence community to simply continue, uninterrupted, their work which has been protecting this Nation and can continue to protect it in the future.

After the intelligence Committee passed a bill, the Senate Judiciary Committee, of which I am a member, got involved and produced a partisan bill. We already voted to table the partisan Judiciary substitute, and we debating the bipartisan Intelligence Committee bill. Let me point out, however, something that happened in the Judiciary Committee. The bill produced by

the committee was given very little process during one committee meeting where 10 Democratic amendments were accepted along a strict party-line vote, and the bill itself, ultimately, was voted out with only Democratic support. No Republican voted for it. It was a purely partisan bill.

Strikingly, the one vote that garnered bipartisan consideration was against an amendment that was offered by Senator FEINGOLD to strip the retroactive liability protections found in section 2 of the Intelligence bill.

We had a discussion and vote on whether the liability protections to keep the companies that helped us and responded to Government requests—whether they should be sued for doing so—should be stripped from the bill. We voted in the Judiciary Committee, 12 to 7, to follow the recommendation of the Intelligence Committee bill that they passed 13 to 2, and keep the limited liability protections. So it was a 12-to-7 vote to defeat the Feingold amendment that would have removed those liability protections.

Directly after that vote, however—it was curious how it all happened—but directly after that vote, Chairman LEAHY moved to report only Title I of the Judiciary substitute bill out of Committee. When that passed, that effectively stripped the liability protection provisions the committee had just voted to keep.

The point is that the Democratic-controlled Judiciary Committee, when voting directly on removing retroactive liability, voted 12 to 7 to keep it. But by the time we passed out the Judiciary Committee's version of the bill, we had taken it out. I'm not sure people fully understand how that occurred, but it certainly was an odd thing that it passed out of committee without liability protection, when we specifically voted to keep that language in the overall bill.

Now, the main area of disagreement is over this important question that will be coming up, I understand, in the amendment offered by Senator DODD, amendment No. 3907—and a Specter-Whitehouse amendment that will allow substitution—which will, in effect, allow litigation to continue against telecom companies that responded to the requests of the Attorney General of the United States, certified by the President. So our disagreement is whether we should provide these good corporate citizens who cooperated with a formal written request by the Attorney General of the United States, certified by the duly-elected President of the United States, to provide information for a surveillance program implemented shortly after the attacks on September 11—and at that point in time, we did not know how many terrorist cells there were in the country and what plans they may have had.

Now, the nature of the program is highly classified, but after an uproar of complaints, the procedures were studied carefully by Congress, and we reacted by giving approval to the program in passing the Protect America Act overwhelmingly last August. I did not want to be too lighthearted about it, but I remember all the brouhaha that this program was somehow wrong and had to be eliminated, and people made all these unsubstantiated allegations. But after we went in great depth, we found, as Mr. Goldsmith said, that the lawyers have been on top of this since day one. It was a carefully constructed program. A court opinion issues last spring caused us to not be able to continue the way it was being done, and the Intelligence community asked us for legislation so it could continue. The Congress passed the Protect America Act this summer, but it was a short-term bill that lasted only 6 months.

All I would want to say is, nobody apologized to President Bush or the Attorney General of the United States or the people at the National Security Agency for all the bad things they said about them. After having studied what they did, we concluded it is constitutional and legal and proper and necessary, and we actually passed a law to authorize it to continue.

But still, there have been over 30 lawsuits now filed against telecom providers for their alleged participation in the terrorist surveillance program—30 lawsuits. Analysis of these lawsuits leads only to the conclusion that the plaintiffs are substituting speculation and a fevered brow for fact and are ignoring the dangerous consequences these lawsuits can have on our national security.

I do not know who is actually filing these lawsuits. I will just say this, parenthetically: Last October, before the last election, Lancet magazine produced a report—a medical magazine in England—that said 500,000 to 700,000 Iraqis were killed by the American military in Iraq. And ABC, CBS, and our Democratic colleagues all raised cane that, unbelievably, we would kill this many people. After the election was over—and by the way, the guy who wrote the report said he wanted to be sure it came out before the election—we learned some things about it.

In a fabulous article in the National Journal, an unbiased magazine, they detailed the fraudulence of that article, and pointed out that even an antiwar group said, at most, it was 50,000, not 500,000 or 700,000. And where did they find out the money for the Lancet article came from? George Soros, and the MoveOn.Org crowd. The ''blame America first'' crowd. Well, I don't know who is actually funding these lawsuits. We ought to ask some questions about it. Certainly there is no indication that anybody's liberties have been impacted adversely.

If these suits are allowed to continue, we face a number of problems. The sources and methods relied on by our intelligence community to conduct surveillance are highly classified, and if these lawsuits are allowed to proceed, even allowing for the Government to be substituted for the telecom companies, we run the risk of exposing the things our enemies really want: classified national security information. Make no mistake, if forced to defend themselves against lawsuits brought about because they cooperated with a government request certified to be legal, companies will certainly hesitate or refuse outright to cooperate in the future. Even where substitution by the Government is an option, we would be putting national security decisions in the hands of corporate counsels in the future whose duties—and their first responsibilities—extend to the stockholders of their company, and not the national security.

If we ask a company to help us, do we want all the lawyers in that company to say: Wait a minute. The last time we worked with you government we got sued, and we are going to review all of this because some court may hold this—or George Soros may fund some lawsuit and tie us up in court. We don't think we want to help. I think they would naturally take that tack in the future to resist cooperation.

During floor debate in December, the distinguished chairman of the Intelligence Committee, our Democratic colleague Senator ROCKEFELLER, said this. This is what he said about the matter:

> Our collective judgment—

and he is talking about the Intel Committee members—

> Our collective judgment on the Intelligence Committee is that the burden of the debate about the President's authority should not fall on the telecommunications companies—

In other words, the debate about whether the President had authority to do this shouldn't fall on the telecommunications counsels—

> because they responded to the representations by Government officials at the highest levels that the program had been authorized by the President and determined to be lawful and received requests, compulsions to carry it out. Companies participated at great risk of exposure and financial ruin for one reason, and one reason only: in order to help identify terrorists and prevent follow-on terrorist attacks. They should not be penalized for their willingness to heed the call during a time of national emergency.

Senator ROCKEFELLER said that.

The ranking member of the Judiciary Committee who favors substitution has stated this, flat out:

> The telephone companies have acted as good citizens.

Certainly they have. In many instances, the Government must seek assistance from the private sector and private individuals to help protect our national security and even local security in our communities. In order for this practice to continue, we must allow them to rely on assurances that the assistance they provide is not only legal but essential to protect our national security without fear that they will have their names dragged through

the mud by protracted litigation initiated by the ''blame America first'' crowd which subscribes to wild theories about Government conspiracies to deny people their liberty. They are forgetting the safety of America, and they are ignoring sound legal precedent.

Some in this body sincerely believe that liability protection is not needed if these companies did nothing wrong, they say. Well, this is faulty reasoning since either allowing the lawsuits to proceed or substituting the Government will still force them to be a party to lawsuits that run the risk of exposing national security information or doing irreversible financial and reputational damage to companies innocent of any wrongdoing. We are putting these companies in harm's way when they, bound by a sense of patriotism and civic responsibility, participate in a government program that was certified to be legal by the Attorney General of the United States and the President of the United States.

If the Government is substituted—in accordance with one of the theories that has been offered—in the place of a particular company, it will most certainly assert the state secrets privilege, leaving, in effect, the company virtually impotent when it comes to mounting a defense and showing what their legitimate actions were. Due to the nature of this state secrets privilege, a company will be forbidden from making their case and will be left without the ability to even confirm or deny their participation in the program. We should applaud the actions of these citizens, not stab them in the back by suing them for their actions.

To refresh everyone's memory, the Intelligence Committee, after months of negotiation in highly classified settings, rejected an amendment to strip liability protection from the bill for these companies by a vote of 12 to 3. It then passed the bill out in toto by a bipartisan vote of 13 to 2, protecting these companies from lawsuits.

The Judiciary Committee, on the other hand, had one markup after less than 2 weeks of reviewing the Intelligence Committee's legislation, and rejected an amendment specifically that would have denied liability protection by a vote of 12 to 7. So we voted not to allow them to be sued either. Furthermore, the Judiciary Committee rejected an amendment to allow the Government to be substituted for the plaintiffs by a vote of 13 to 5. We rejected substitution too, although the liability protections were ultimately removed from the bill the Judiciary Committee passed.

Even if the Government is substituted, plaintiffs in litigation will seek discovery, they will file depositions and ask for interrogatories and motions to produce. They will seek trade secrets and highly classified technologies. Companies would still face many litigation burdens. They would be—we would be subjecting them to harm, not only from consumer backlash, but their international business partners will be pressured around the world.

Under the limited liability protections incorporated in the Intel bill, plaintiffs seeking to question the Government will have their day in court as it only protects good corporate citizens from civil suit. So the liability protections in this bill do not preclude lawsuits against the Federal Government from going forward. In fact, there are at least seven lawsuits currently pending against the Government that will proceed against the Government or Government officials. This was accepted by the Intelligence Committee. Some wanted to say you couldn't sue the Government for these activities also, but the Intel Committee reached an agreement, an overwhelmingly bipartisan agreement, that would allow those lawsuits to proceed.

The companies that helped the Government did so to help protect us from further attack, and valuable information has been gathered with their help. I have been out to the National Security Agency. I have talked with the people. I know they scrupulously follow the rules we give them, and I know they have gained great, valuable information through this program, and I know they lost very valuable information when the program had to be stopped. This information has saved undoubtedly countless American lives by enabling our intelligence community to thwart attacks.

Some have said this amounts to amnesty, but that couldn't be further from the truth. Amnesty is an act of forgiveness for criminal offenses, such as granting citizenship to people who broke the law to come into our country illegally. The companies were operating under a certification of legality in a time of national danger doing what they could as Americans to follow the law and prevent future attacks. At no point during their participation were their actions illegal. For Heaven's sake. To grant liability protection is to adhere to that great Anglo-American legal tradition for hundreds of years that when called upon by a law officer, with apparent legal authority, wearing a uniform, out on the street, a citizen is not to be held legally liable if, in responding to the officer, the officer was wrong. That is all we are talking about. That is a fundamental, historical, legal principle. The only question—the legal question has always been simply this: whether the citizen was responding to a legitimate request by a government law officer, a police officer to chase a bad guy. Was the citizen acting reasonably in believing this was a legitimate law enforcement request and he was helping by being a good citizen. That is the test. If he participated knowingly with somebody acting illegally, then that citizen could be liable. Certainly certification by the Attorney General and the President of the United States in written documents suffices as a legitimate request.

The bottom line is, we do not need to pass legislation that panders to the extreme interest groups in America who find fault in everything our people do, our law enforcement and intelligence officers, and that fosters a fundamental mistrust of those officials who are working daily to serve all of us. The burden should not fall on the shoulders of good corporate citizens who are acting patriotically to help save lives and protect our country.

I urge my colleagues to vote to support the Intel Committee bill, a carefully crafted, carefully studied, bipartisan bill. I also urge my colleagues to support the liability protections in the Intelligence Committee legislation and a vote against any amendments that attempt to strip these provisions or in any way alter the carefully structured, limited provisions of the bill.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. Who yields time?

The Senator from Georgia is recognized.

Mr. CHAMBLISS. Mr. President, I rise today to discuss Senate amendment No. 3907 offered by Senators DODD and FEINGOLD to the Intelligence Committee's FISA legislation. I compliment my friend from Alabama for some very strong, very pointed remarks on this issue as well as the other issues he addressed.

I am pleased the leaders of the Intelligence Committee were able to come up with an agreement on how to proceed on this important legislation. I look forward to the debate on many of these amendments.

A couple of the amendments have been offered relating to title II of the bill which provides immunity to those telecommunication carriers that currently face lawsuits for their alleged assistance to the Government after September 11 and their participation in what is known as the terrorist surveillance program, or TSP. Senators DODD and FEINGOLD have offered an amendment striking this section. Senators SPECTER and WHITEHOUSE have offered an amendment which would substitute the Government as a defendant for the telecommunication providers currently being sued for their alleged support to the President's TSP program. I do not support either of these amendments.

As a member of the Select Committee on Intelligence, I had access to classified documents, intelligence, and legal memoranda, and heard testimony related to the President's TSP program. After careful review, as stated in the committee report accompanying this legislation, the committee determined:

> That electronic communication service providers acted on a good faith belief that the President's program, and their assistance, was lawful.

The committee reviewed the correspondence sent to the electronic communications service providers stating that the activities requested were authorized by the President and determined by the Attorney General to be

lawful, with the exception of one letter covering a period of less than 60 days in which the counsel to the President certified the program's lawfulness. The committee concluded that granting liability relief to the telecommunications providers was not only warranted but required to maintain the regular assistance our intelligence and law enforcement professionals seek from them.

Although I believe the President's program was lawful and necessary, this bill makes no such determination. This is not a review or commentary on the President's program; rather, it is a statement about how important this assistance by the electronic communication providers is to our Government.

I cannot understate the importance of this assistance—not only for intelligence purposes but for law enforcement purposes also. The Director of National Intelligence and the Attorney General stated:

> 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.

There is too much at stake for us to strike title II and substitution is not an acceptable alternative. This week, we have been alternating between legislation geared to helping our taxpayers and FISA. Yet substituting the Government in these lawsuits will force the American taxpayer to front the heavy legal bills associated with this legislation.

Substitution would allow these trials to continue and could risk exposure of classified sources and methods through the discovery process in the litigation. As a defendant in these frivolous lawsuits, the Government may be required to expose some of our most sensitive intelligence sources and methods. Let me emphasize the committee already found that these communication providers acted in good faith under assertions from the highest levels of our Government that the program was lawful. If an individual alleges he or she has a claim due to this program, that claim can be brought against the Government and should not be brought against the providers. The Intelligence Committee bill left open the option for Americans to sue the Government. An aggrieved individual may sue the Government and attempt to prove standing and a cause of action. However, substituting the Government doesn't shield our American business partners from these cases, nor does it relieve them of the liability to their stockholders they may unjustly face and which may be borne out in our economy. Substitution only increases the risk of leaks, and these potential revelations only make our enemies better informed on the tools we have to conduct electronic surveillance.

Some of my colleagues have complained about access to the documents regarding the President's program. It is true many Members of Congress have not had access, nor have they had an opportunity to review these documents. There is a good reason for that. These documents are highly classified and represent details about intelligence sources and methods. I worry that expanding the number of people who have access to these documents will increase the likelihood that intelligence will get leaked into the public. It is more appropriate that the oversight committee review and report back to the Senate on the various intelligence activities of the United States. That is why the Senate has an Intelligence Committee. As a member, I am familiar with handling classified material and receiving classified briefings. I have made commitments to safeguard the information I learn behind closed doors within the Intelligence Committee. Given the wide array of information I have heard on the Intelligence Committee, I question the benefits a Member would gain from such a limited, yet specific, review of the operations of our intelligence community. Rather, I urge my colleagues to support the determination of the Intelligence Committee, which is charged with regularly reviewing the intelligence activities of the United States and oppose the amendments offered by Senator DODD and Senator FEINGOLD. Providing our telecommunications carriers with liability relief is the necessary and responsible action for Congress to take. The Government often needs assistance from the private sector in order to protect our national security and, in return, they should be able to rely on the Government's assurances that the assistance they provide is lawful and necessary for our national security. As a result of this assistance, America's telecommunications carriers should not be subjected to costly legal battles.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. ISAKSON. 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. ISAKSON. Mr. President, I ask unanimous consent that I be allowed to address the Senate as in morning business.

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

ECONOMIC STIMULUS

Mr. ISAKSON. Mr. President, we are on a very important piece of legislation, and I thank Senator BOND for all his hard work, and other members of the Intelligence Committee. I hope we can very soon pass a good FISA bill on the floor.

I want to deviate from that debate for a second to talk about a headline many of my colleagues read yesterday, and that we are all reading repeatedly around the United States, and that is the rapid increase in the number of houses going into foreclosure. I want to address that in the context of the economic stimulus package and in the context of a possible recessionary tendency in the economy, and also from a historical perspective, in that we have been down this road before, and suggest there is an action the Senate and the Congress could take, and the White House could endorse, that could avoid an awful lot of foreclosures, improve the housing market, reverse the tendencies toward recession, and be a private sector solution to a problem that is going to be a tremendous burden if we don't act.

I understand the short-term surgical benefits of the stimulus that was passed by the House, the other benefits that the Finance Committee passed. We will work ourselves through that in the next few weeks, and shortly thereafter the American people will more than likely be receiving a check of $300 or more with which to infuse some energy into the economy. But while that is going on, these numbers of a 200-percent and 300-percent increase of houses going into foreclosures are going to materialize into houses in foreclosure.

When we get into the second quarter of this year and the middle of the summer, we are going to find ourselves in a difficult situation where the following has happened: a tremendous number of houses foreclosed on, the banks and lenders taking back inventory—and there is a term called REO, real estate owned—and the regulators coming in, looking at their books and telling them to get rid of that inventory. The lenders are going to then write them down, take them to the marketplace with deep discounts, and sell them.

Now what that is going to do to your homeowners Jim Weichert sells to in New Jersey, mine in Georgia Harry Norman sells to, and those from all around the country, is those people who are in houses making payments and they are in good shape, their value is going to plummet because of the number of foreclosures that is flooding the market. What happens is the equity, the difference between their existing mortgage and the value of the house, decreases because the value of the house goes down. If they are like 87 percent of the American people who have an equity line of credit, where they use the equity in their house as a line of credit, if you will, their available credit is going to be squeezed.

You know what is going to happen then? They are going to stop spending. When that happens, we will have the full pressure of the economy in a downward spiral, and it begins to feed upon itself. That is precisely what happened in 1975.

In 1973 and early 1974, there was a great housing boom in the United States, like we have had over most of

the last decade. And like what happened over most of the last decade with subprime loans and underwriting, back in 1974, money got awfully loose. Banks made loans with very little underwriting criteria, and we had a plethora of new homes built all over the United States by newfound homebuilders who had a hammer, a pickup truck, and easy credit. We found ourselves at the beginning of 1975 with a 3-year supply of vacant housing on the market in the United States. A viable real estate market is a 6-month supply. So you had six times the volume of houses that would be considered a balanced market, and we went into a deep recessionary spiral.

A Democratic Congress and a Republican President passed a $6,000 tax credit available to any family who purchased a standing vacant house in inventory, and that allowed them to collect that credit over 3 years—the 3 succeeding tax years after the year of their purchase. The only thing they had to do, other than qualify for their loan, and qualify under good qualifying standards, is they had to occupy the home as their residence. In a 1-year period of time, we absorbed a 2-year supply of housing and returned the housing market to balance and the economy stabilized. Although we had the impacts of the oil embargo, which was causing problems with inflation, the economy returned to a relatively stable time period.

I, along with a number of Members of the Senate, have introduced legislation—Senate bill 2566—which takes that model from 1975 and applies it to our problem in 2008. What it very simply does is, it offers a tax credit of $15,000 for the purchase of any house that falls in the following category: a new house permitted before September 1 of last year that is standing and vacant; a house owned by a lender that was foreclosed on in the last 12 months from an owner occupant; and any house pending foreclosure owned by an owner occupant who is willing to sell. That is where all this inventory that is beginning to flood our market comes from. The tax credit would be available if the purchase was made between March 1 of this year and February 28 of next year. So there is a 1-year window to incentivize those who may be reluctant to go in the marketplace to do so.

The Joint Tax Committee has scored this, and guess what the score is—$9.1 billion over 5 years. Put that in the context of the stimulus package that is before us of $150 billion to $160 billion. It is a relatively small inducement to provide a private sector solution to what is about to become a huge burden to the taxpayers of the United States and this Government.

I come to the floor at this time in hopes that some of our colleagues who have not found an interest in this legislation yet will take a look at it. As the author, it is not original thought. I happened to have been a real estate broker in 1975 trying to hang on and make a living to educate my three children, and I saw my Government come to the rescue of the housing economy through energizing people to go in and purchase houses that were in trouble, rather than bail them out somewhere down the line, and it worked. The cost to the Government was infinitesimal, yet the benefit to the public was astronomical.

I hope, as we finish talking about a surgical, strategic, short-term stimulus to get the consumer buying, which is what we are talking about in terms of either the Senate Finance Committee bill or the House bill, we take a look at what is coming. Because, believe me, in July of this year, if we do nothing, we are going to be dealing with a housing supply in this country bigger than it has ever been, with vacant houses by the thousands in neighborhoods, declining values on the value of housing, and people who are in good shape are not going to be able to either have their equity line of credit work or be able to move their house in the marketplace because of the tremendous inventory available.

History is a great teacher both in terms of things you should never repeat but also in terms of things that work and you should repeat again. I would submit the tax credit to qualified individuals to purchase and occupy a troubled house in this economy is an incentive that worked not only for the betterment of the market but for the betterment of our economy and in the best interest of the United States. Senate bill 2566 is an opportunity for us to join together to do something good and right for the American people.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

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

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

ECONOMIC STIMULUS

Mr. REED. Mr. President, across the Nation, millions of Americans are struggling to make ends meet as our economy has slowed dramatically. In December, I spoke on this floor about how President Bush has presided over a period of divided prosperity in the United States, where a privileged few have done remarkably well but the rest of us have been trying to get by. For most working people, the trademark of the Bush administration and their economy is wage stagnation. Indeed, in my home State, real median wages have not increased since 2000.

Rhode Islanders are coping not only with flat wages but increasing prices in critical commodities they must consume. Energy, education, and health care have all gone up. In January, in Rhode Island, gas was $3.11 cents a gallon; heating oil costs in the Northeast are projected to be at least $2,000 this year, which is about a $400 increase from last year. These price increases would be difficult to manage even in good times, but again paychecks for most working families have not kept up. In fact, they have been flat.

With prices accelerating, wages flat, and a huge gap in the capacity of middle-income working Americans to keep up and try to get ahead, the subprime crisis is real. This housing crisis is having huge and devastating effects. Two years ago, most of our constituents, the vast majority of them, were sitting around the table thinking: Well, when my daughter is ready to go to college in 2008, we will go ahead and borrow from the house to provide the extra income she will need to go ahead and make it through college. A lot of those families now are recognizing they can't do that. They are more concerned about a health care incident, because, unlike a few months ago, there is no reservoir in the value of their house to cushion the blow of unexpected expenses.

So this housing crisis, together with this wage stagnation, together with increased prices for energy and health care and education, and so many other things, is putting middle-class Americans in a vise and squeezing them.

We have to do much better. The Joint Economic Committee and others have estimated some of the costs already in terms of this mortgage-related foreclosure crisis. In my home State, they think $670 million will be lost to the family incomes of Rhode Island from 2007 through the end of 2009.

These economic conditions are being felt across the country. They are not localized warnings. The weakness in housing has spread to all parts of our Nation and across our economy. Growth in the fourth quarter of last year was .6 percent compared to a 4.9-percent increase in the third quarter.

We are slowing down, moving into a recession. Yesterday the market, Wall Street, went down over 300 points, largely due to a very weak report of a survey on the service sector. We have known for many months now that the manufacturing economy was having difficult times, but the service sector was holding up a bit.

Yesterday, there was a chilling indication the service sector has also contracted. The market took the news very badly. The market also took the news very badly a few days ago, when we showed a loss of 17,000 jobs, the first time we have actually lost jobs in more than 4 years.

Again, the administration's performance in terms of creating jobs has been less than stellar, barely keeping up with the new entrants into the labor market on a monthly basis. Now, for the first time in more than 4 years, we have lost jobs.

Furthermore, the average length of unemployment is increasing from 16.6 weeks in December to 17.5 weeks in January. More people are losing jobs and it is harder to find a new job.

Yesterday, the Federal Reserve released a survey of senior bank loan officers who indicated that the credit

crunch is spreading from consumer loans into the commercial and industrial loan sectors and that foreign banks are tightening their lending terms, in fact, even more so than some U.S. financial institutions.

Taken together, it clearly shows Wall Street is going into what one analyst called a recession panic mode and many economists are seeing signs that weaknesses in our economy are spreading internationally. In fact, one investment banker today, in a speech reported on the Internet, suggested that in the credit markets fear has overtaken greed, creating a situation of near panic in many respects.

So there is no doubt we have to act quickly on this stimulus package, not only to inject needed spending power into the economy to try to revive our consumer sector but also to signal to the American public we will act decisively to try to moderate, if not head off, the effects of a pending recession.

We have, I think, a lot to be grateful for in the work of Senator BAUCUS and Majority Leader REID and Senator GRASSLEY in terms of taking a House proposal and increasing it with important provisions, such as expanding the eligibility criteria for income tax rebates, including 20 million seniors and 250,000 disabled veterans.

The package we are considering also includes $10 billion for a temporary extension of unemployment insurance and $1 billion of emergency funding for the Low-Income Home Energy Assistance Program, the LIHEAP program. Both of these initiatives are targeted to families, seniors and low-income households, and they would help jump-start the economy.

Economists agree these programs among others are a good use of taxpayer money. Last week before the Budget Committee, Alan Blinder from Princeton University and Mark Zandi of Moody's Economy.com both recommended that unemployment insurance and LIHEAP be included in the stimulus package. They also included other elements, but at least these elements are part of the list they feel will provide a bang for the bucks we are going to invest in the economy.

They meet the three T test—timely, targeted, and temporary.

Now, Friday's disappointing jobs report showed that the ranks of the unemployed are unfortunately growing. Nonfarm payrolls actually decreased, as I said, by 17,000 workers last month. In fact, even President Bush acknowledged ''troubling signs in the economy.''

So given these facts, I was surprised to hear Treasury Secretary Paulson say yesterday, in testimony before the Finance Committee, that he does not support including unemployment benefits in the stimulus package because national unemployment is only 4.9 percent, which is not historically high.

What we want to do is take preemptive action to prevent the situation from further deterioration. We want to move now so we do not see unemployment rates climb, so we do not see the duration of unemployment continue to grow, so that we give Americans a real chance to get back to work; and if they are not back to work, then at least we provide something to sustain them in these difficult moments.

In Rhode Island, my home State, we have reached a very high unemployment rate, 5.5 percent. Many other States are creeping up there too. We should, I think, move quickly, move decisively and support the Senate Finance package.

We are also beginning to see that unemployment insurance provides a very good return on the investment. Mark Zandi, the economist I mentioned before, indicated that for every dollar the Government spends on unemployment insurance, it adds $1.64 to the national GDP. In other words, it leverages the investments we are making.

So contrary to what some have talked about as excessive spending, this is exactly the targeted, temporary, timely spending that will accelerate, not decelerate, the economy.

The stimulative effects of unemployment insurance will get more money into the hands of people who will spend it right away in their local communities, which is generally the whole purpose of our stimulus approach.

Moreover, providing these benefits to these individuals will give them not just some dollars but a sense, I hope, of hope, that their Government is responding to their concerns and that we will respond in the future, if necessary.

Making the long-term unemployed eligible for a temporary extension of an additional 13 weeks at this time also makes good sense and is the right thing to do. Two weeks ago, I wrote a letter to the majority and Republican leaders asking that they include unemployment insurance in the stimulus package, and 26 other Senators joined me.

Senators DURBIN and KENNEDY have long led the fight on this issue. I commend them for their efforts. I hope unemployment insurance is part of the final package we are able to vote out of this body.

Now, there is another aspect of the package we will consider later today, I hope; that is the LIHEAP support. We have seen a huge increase in energy costs. On average, Americans are spending about 11 percent more to heat their homes this winter. For Rhode Islanders who rely on heating oil, that is about 39 percent higher than last year in terms of their heating oil expenses.

We know that the timely, targeted, and temporary aspects of stimulus have to be met. LIHEAP will do this. It is timely because it will be delivered very quickly. We have a delivery mechanism in place. It is also something that will fund families, low-income families, who desperately need this money.

I do not have to belabor the point that today, around the kitchen table, people are figuring things out. They are thinking, first of all, they probably need to take off sending their first born or their second or third child to the expensive school; that may be off the table for a few years. But they are also talking very basically about which bills to pay this month? Do we pay our mortgage? Do we pay the energy bill? Do we pay the credit cards which we are using to buy food at the supermarket these days?

I mean, these are the debates American families are having. They are not talking in terms that we are here, such as what is the best macroeconomic policy or how we can delay these expenditures, they are talking in terms of a real crisis in the family. We have to respond. One way we can respond quite clearly is with this LIHEAP money because that will go to one of their major concerns: How do we keep the heat on in the Northeast for the next several weeks and month; and in the Southwest, in anticipation of the grueling temperatures down there in the summertime, too. This additional money will provide an advance payment on cooling problems in the Southeast and the South, parts of the country that will soon encounter warm temperatures, not cold temperatures, which cause their energy costs to rise.

Again, these are the households who need LIHEAP. And so we know we have a program that works in LIHEAP. If we can deliver additional resources, it will get to the families who need it, particularly seniors, it will get out immediately. It will add to the stimulus effect because as the economists—both Mr. Blinder and Mr. Zandi—pointed out, it will leverage our investment in the economy.

So with the escalating costs for energy I would urge my colleagues that we go ahead and accept this amendment, particularly the funds for LIHEAP. I urge us all to support the Senate Finance Committee package, a package that provides for greater coverage to seniors and disabled American veterans and also provides unemployment insurance for those who desperately need it and heating assistance for, again, the families who desperately need it.

I hope that today, not only good sense, good economic sense, but a sense of our obligations to the most vulnerable in this country will persuade us to support this package strongly.

The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent to speak for up to 10 minutes and then for Senator CRAPO to have up to 10 amendments to speak on the FISA bill.

The PRESIDING OFFICER. Is there objection?

Mr. BOND. Mr. President, reserving the right to object, I think our colleague is going to speak in morning business. But I will be happy to yield to the Senator from Texas.

The PRESIDING OFFICER. Is there objection?

Mrs. HUTCHISON. Was there an amendment?

Mr. BOND. If we can yield to the Senator from Texas for 10 minutes on the bill, the Senator from Idaho for morning business, and then go to a Member on the majority side of the aisle.

I believe there is a consensus developing for the unanimous consent request I have proposed.

The PRESIDING OFFICER. Would the Senator repeat his unanimous consent request.

Mr. BOND. Ten minutes to the Senator from Texas on the FISA bill, 10 minutes in morning business for the Senator from Idaho, and then a member of the majority side will be recognized for whatever he or she wishes to do.

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

The Senator from Texas is recognized.

Mrs. HUTCHISON. Mr. President, I do rise to speak on the FISA bill, which I certainly support, and also to oppose some of the amendments that will be coming forward.

I hope very much that we will be able to start voting on amendments, because we now have an agreement for voting on amendments, and I hope we can clear the FISA bill in due course and in short order. It is important because there is a deadline.

We are going to see the capability for our law enforcement officials and our intelligence officials, to monitor calls between known terrorists and suspected terrorists, whether it is into our country, or out of our country from foreign countries, we need to have this capability continue.

We have it right now. The Senate passed a good bill about 6 months ago. It has now been extended. But we do have a deadline, and the deadline is on us in the middle of this month. So we do need to pass this bill. We need to make sure the technology of the day is covered by the foreign intelligence surveillance act and subject to the security needs of our country.

There are amendments that would take away the immunity for telecommunications companies that allegedly cooperated with intelligence officials.

One amendment, No. 3907, would strip the immunity from the bill completely. The Intelligence Committee is the key committee that has looked at all of the information and assessed the need for the ability to survey known terrorists and suspected terrorist helpers in our country and in foreign countries. It is important that we allow our intelligence agents to go to telecommunications companies and get the help they need to do this kind of surveillance. Amendment No. 3907 would take away immunization for companies that may have cooperated with government requests.

The telecommunications companies allegedly assisted the intelligence community because of the need to assure that plots against our country and our citizens were uncovered before they are implemented. Now we have the potential for catastrophic liability from a number of lawsuits, and some of my colleagues want the country to turn away from providing protection for these companies. We will not allow these companies the freedom to provide the evidence in court because the intelligence community says the evidence is too sensitive to be allowed in court. We put the telecommunications companies in a situation in which they cooperate. They are sued. But they don't have the ability to defend themselves in court because they cannot produce the evidence. It is untenable, and I hope we will reject such an amendment.

There is another amendment that would allow the Government to be substituted for the telecommunications companies as the defendant when they are sued. The problem with this amendment is that the companies would still have to spend thousands of hours and millions of dollars on these lawsuits. They would have to subject their employees to depositions. They would need to participate in evidence gathering and the discovery process, which will drain their resources in an unnecessary lawsuit in which they would be peripheral.

There is yet another amendment that would grant the immunity after review by the FISA Court. While certainly well intentioned, there are some problems with giving this to a court that doesn't have the capability to process this kind of request. They don't have statutory procedures. They don't have the administrative capacity to receive witnesses, to hear evidence, or to carry out the major provisions of the amendment.

Furthermore, it is unclear that there is appellate authority from the immunity related rulings of the FISA Court this amendment creates. The FISA Court has operated in secret and has been more of an administrative court processing warrants. So this would put the court in a whole new administrative mode for which there are no precedent or appropriate regulations. There does not appear to be an appellate process from the FISA Court once it decides whether or not to grant a company immunity.

I respect the work of my colleagues. They are trying to find good-faith compromises. However, I put my faith in the Intelligence Committee. This is a committee that passed this bill, with immunity provisions in it, out of committee by a vote of 13 to 2. It was bipartisan. This is the committee that had the hearings, heard all of the evidence, and knows more about the processes than people who are not on the committee. They have spent a considerable amount of time reviewing the materials in these cases, including the Government's legal justifications for the program. We need to respect the judgment and expertise of our committees, particularly the intelligence committee. This is a committee that has done a very good job on a bipartisan basis to assure that we continue to protect our intelligence capabilities and to shield the companies necessary to gathering intelligence information from unfounded lawsuits.

I hope my colleagues will vote for the bill the Intelligence Committee produced. Protecting the American people is our ultimate responsibility. This bill is absolutely essential for that responsibility to be implemented. We must protect the American people. We must protect the companies that have helped our law enforcement and intelligence-gathering agencies. We must make sure we proceed with a vision of foreign surveillance that would protect the American people from future attack.

It is not an accident that we have not been attacked since 9/11. All of us know that our country was not prepared for this kind of warfare. But our country's eyes have been opened. We have been a sleeping giant in many ways, as was said about us before World War II. But we have now been awakened, and we are going to take the measures necessary within the framework of our Constitution, which this bill provides, to assure that we protect the American people from future attack.

I yield the floor.

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Idaho is recognized for 10 minutes as in morning business.

SECURE RURAL SCHOOLS AND COMMUNITY SELF-DETERMINATION ACT

Mr. CRAPO. I thank the Senator from Texas and my colleagues on both sides for allowing me this few minutes to have a break in the debate on the FISA bill to discuss a very important issue to the people of Idaho and, frankly, to the people in rural communities throughout the country. I rise to talk about the need to reauthorize the Secure Rural Schools and Communities Self-Determination Act of 2000 and to fully fund the payments in lieu of taxes, or the PILT payments, which we call them in Congress. I encourage my colleagues to make this overdue extension and funding a top priority for Congress in the coming days.

This year marks the 100-year anniversary of the passage of the act requiring the U.S. Forest Service to return 25 percent of its gross receipts to the States to assist counties that are home to our national forests and other Federal lands with school and road services. This program was put into place to compensate local governments for the tax-exempt status of national forests which we all enjoy. Otherwise, many rural communities that neighbor these beautiful national treasures are unable to fully meet the school and road needs of their communities.

One hundred years ago, the impact of large Federal forest reserves on neighboring local economies was discussed and debated on the floor of the Senate, as former Idaho Senators Weldon B.

Hayburn and William Edgar Borah joined their Senate colleagues in debating this issue which remains an issue today. However, the unfortunate reality of today is that in recent years, timber receipts have eroded to the point that the Federal obligation to our local communities is simply not being met. The receipts are not adequate for the needs of the communities and have been dropping off dramatically. Congress has acted in recognition of this to ensure that communities have the necessary assistance.

In the year 2000, I joined with my colleagues, Senators LARRY CRAIG, RON WYDEN, GORDON SMITH of Oregon, and many others to support and secure enactment of the Secure Rural Schools and Communities Self-Determination Act of 2000. This law provided the necessary assistance known as county payments to communities where regular Forest Service and Bureau of Land Management receipts-sharing payments had declined so significantly. The assistance has prevented the loss of essential school and road infrastructure needs in our local rural communities. The law also enabled very significant forest improvement projects.

The best solutions to natural resource challenges are achieved through local collaboration, and the more than 70 Resource Advisory Committees—or RACs, as we call them—provided for in this law have created valuable partnerships in carrying out projects to address a wide variety of improvements on public lands. These projects include habitat and watershed restoration, reforestation, fuels reduction, road maintenance, campground and trail enhancements, and noxious weed eradication. At a time when increased public demands are being placed on our Nation's natural resources, the RACs have provided the necessary cooperation to help resolve natural resource challenges throughout these local rural communities.

Additionally, payments in lieu of taxes, known as PILT payments, have augmented county payments to provide local governments with the means of offsetting a part of the tax revenues they lose because of the tax-exempt status of these Federal lands in their jurisdictions. PILT payments have supported community services such as firefighting and police protection in rural communities. Through PILT, the Federal Government partners with counties to provide public lands the stewardship and community services they need. Unfortunately, PILT funding is also not meeting this obligation, and we need to work together in Congress to achieve full and adequate PILT funding.

I am proud of the largely bipartisan effort in the 110th Congress to extend the Secure Rural Schools and Community Self-Determination Act and to fully fund PILT. Progress has been made but more needs to be done to achieve the Federal Government's commitment to these communities.

In March of 2007, the Senate overwhelmingly passed an amendment which I cosponsored to the fiscal year 2007 emergency supplemental appropriations act to reauthorize county payments for 5 years with offsets. However, this language was replaced with a 1-year extension, with the final payments made at the end of December 2007.

In December last year, Senators MCCASKILL, CRAIG, SMITH, DOLE, MURKOWSKI, STEVENS, and BENNETT joined me in urging the Senate leadership to attach a reauthorization of county payments and PILT funding to any legislative vehicles expected to be enacted before Congress concluded its work last year. Unfortunately, the reauthorization was attached only to the energy package which also would have increased taxes on domestic oil and gas producers to pay for incentives for renewable power, energy efficiency, electric vehicles, and other technologies.

I support incentives for alternative energy resources and the extension of county payments, but I am opposed to paying for those incentives by increasing taxes on our domestic oil and gas production. We are facing real and increasing constraints on our energy supply, resulting in higher energy costs daily. We simply cannot meet those needs by decreasing conventional energy production in the United States, which would further our dependency on foreign energy supplies and dramatically increase the cost for gasoline and electricity. This would negatively impact communities across the Nation, not just the rural communities we are seeking to help.

We need to again turn our attention to focusing on the reauthorization of the Secure Rural Schools legislation and increasing and achieving full and adequate PILT funding. It is unfortunate that the county payments extension was dropped from the enacted Energy bill and was not included in other legislative vehicles before the end of last year. However, today is another day. As we embark on the second session of this Congress, we have every opportunity to work together to extend and fund county payments and fully pay for PILT payments for students in rural areas. We must do this to prevent the closure of numerous isolated schools and to enable rural county road districts to address severe maintenance backlogs.

Time is of the essence for many rural communities across the Nation, and this important legislation impacts millions of students and their families in more than 4,000 school districts and more than 7,000 counties. I am hearing from Idaho communities that, absent an extension, personnel layoffs as a result of program closures are expected soon. Communities in more than 40 States are facing similar pressures.

Just as the economic impact of Federal land ownership on neighboring rural communities has not been worn away by time, neither has this Nation's responsibility to the States worn away. It is my hope that others will join me in working to meet this Federal responsibility by reauthorizing the Secure Rural Schools Act and providing the full funding for PILT. This must be achieved in a timely manner that prevents the cutoff of needed services in rural communities nationwide and provides some long-term certainty to those rural communities.

Mr. President, I yield the floor.

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

Mr. ROCKEFELLER. Mr. President, I ask that I be given unanimous consent to speak on the underlying bill.

The ACTING PRESIDENT pro tempore. Without objection, the Senator is recognized.

Mr. ROCKEFELLER. Mr. President, I say to the Presiding Officer that far and away the most contentious issue in this FISA debate is whether private companies that assisted the Government in implementing the President's warrantless surveillance program should be provided liability protection.

Three amendments will be offered that relate directly to this issue.

First, Senators DODD and FEINGOLD have an amendment that would strike all of title II of the underlying bill—that is, S. 2248—on liability protection as reported by the Intelligence Committee.

Second, Senator SPECTER will offer an amendment—I think at 3:30—that provides for a different remedy; namely, the substitution of the U.S. Government itself for the carriers in the lawsuits that have been filed against the carriers.

Third, Senator FEINSTEIN has prepared an amendment that would keep the basic structure of title II—to wit, liability immunity—but would have the courts, rather than the Congress, determine whether carriers relied in good faith on the representation made to them by the executive branch of our National Government.

I will address the particulars of each amendment as it is offered, but first I would like to describe the background behind the Intelligence Committee's approach to this whole issue of immunity.

Critics have suggested that providing liability protection for telecommunications companies is akin to congressional endorsement of the President's warrantless surveillance program. I understand the passion stirred by this issue. Rather than consulting with Congress or the courts, the President created a secret surveillance program—no question about that—based on very dubious legal reasoning. That was unnecessary, that was unwise, that would, therefore, cause passions and suspicions.

But anger over the President's program should not prevent us as a deliberative body from addressing the real problems the President has created.

Because of the lawsuits over the program and the damage to the telecommunications companies' reputations, companies that were once willing to help the Government, based on assurances of legality from the highest levels of Government, may now be questioning that assistance.

Let's reflect on that for a moment. These are corporations. They have no names at the present time. They have to make money. The Government comes to them, as they have in the past on much smaller matters, and with the authority of the President saying, this is in the national interest; with the legal advice of the Attorney General saying, this is legal; and then the Director of the National Security Agency sending out letters that say, we require you, we compel you, we request to you—or other words—that you cooperate with us.

People say: Well, they cooperated. Of course they cooperated right after 9/11. I think anybody who is in the intelligence business understands what I am saying. There is no difference between the day after 9/11 and this day in terms of the threat to our country or those who are planning, plotting to do us harm.

The fact that no attacks have happened does not excuse the sense of relaxation on the whole subject—perhaps the congressional sense of relaxation on the whole subject. We need to continue this intelligence collection.

What is it, I am wondering, that the telecommunications companies get from this? What prestige? What large amount of money? What praise? What do they get from this? Do they get good public relations? No. They get 40 lawsuits, most of which are not based on anything to do with the TSP program. In other words, they are picked out of newspapers. People are dissatisfied, and class action suits arise.

So maybe they have been sued $10 billion. Maybe they have been sued $40 billion. We will not speculate on that at the present time. But in that they are corporations and in that they have no reward at all for doing this service for their country—which we call patriotism, and then cast that aside because that must mask some evil intent—they go ahead and they do it. Then, since they are corporations, their shareholders get extremely unhappy about it, which could be happening at the present time, and then they decide that maybe they will be less willing to do this. Several have done that. Several at the beginning did that.

Now, corporations are in business also to make a profit. The corporations that are involved in this are doing nothing but losing prestige, losing reputation, have angry shareholders. And I ask myself, what is it they get out of doing this, because people, particularly on my side of the aisle, are sometimes inclined to be suspicious of corporations, that they have some kind of a purpose behind all of this. Nothing could be further from the truth. They are losing. They are being criticized. They are being sued. It is costly. It takes away from their energy to carry out their other missions. It is not a situation in which a whole bunch of people are sitting around in these corporate headquarters discussing this, because only a very few people are allowed to know, and they have criminal sanctions against them if they tell anybody, should they have received any of these instructions from the Government.

So we are not talking about people here trying to undo the safety of the United States or to gain some kind of advantage for themselves. If this intelligence collection stops, I say to the Presiding Officer, we will be in a very sorry situation. I do not know how to say that more sincerely, more deeply felt, more based upon exhaustive study, including numerous meetings in committee with these folks and other meetings outside.

So they have been told it is legal, and by the National Security Agency Director they have been required, compelled, and in other words, some of which are quite strong, to do it. So they do start to do it, and they are paying one heck of a price for it.

What price are we paying? We are paying no price because they are still doing it. What price might we pay should they stop—because they are corporations, and they are responsible to their shareholders—if they should stop this type of activity? The price we would pay would be overwhelming. Without the cooperation and assistance of private companies—not compliance forced by a court but true cooperation—this country's law enforcement and intelligence agencies cannot obtain the information they need to protect this country. It is a fairly heavy statement to make. I chair the committee. I am not naive on these matters. I make that statement again. Without the cooperation and assistance of private companies, this country's law enforcement and intelligence agencies cannot obtain the information they need to protect this country.

Making the question of liability protection a proxy for disagreement with the President's program is, therefore, shortsighted, in this Senator's view, ignoring the reality that the Nation and future Presidents will depend on the assistance of these same companies for years to come.

In analyzing the question of liability protection, the Intelligence Committee sought to weigh these very real concerns about future intelligence collection against the possible outcome of lawsuits. We discussed it at length. Understanding this issue requires some background on the lawsuits that have been filed.

Currently, providers are subject to approximately, as I indicated, 40 civil lawsuits, some of which are class actions, which seek billions of dollars of damages—and I have given you a range—for privacy violations based on the companies' alleged provision of assistance and information to the intelligence community. The suits are based—many of them—on media reports about all sorts of intelligence activities. Many of them are not limited to the warrantless surveillance program disclosed by the President. That is ironic, but it is a heavy burden for the companies. If suits are brought that have nothing to do with the warrantless surveillance program disclosed by the President, they are out of order. But, as I will proceed to explain, the companies can never explain to a court that they are out of order. Although these suits involve different types of legal claims that are in varying stages of litigation, they share a common reality: that the Government has refused to publicly reveal the classified documents and information that would allow them to proceed.

The current fight in the courts is, therefore, not about whether damages should be awarded, whether the underlying program is legal or even whether any company participated in the President's program in good faith. Instead, the parties are fighting about access to classified information about the President's program. I have not heard that much discussed in this Chamber. This litigation could continue for years without a court ever addressing the underlying issues about the legality of the program. We seek wrongdoing whether, as some say, it is in the corporate boardroom or, as others would say—as I would say—in the halls of Government.

I stress the point: No court is likely to resolve the question of whether the President or any private company violated the law in the near future.

Some of my colleagues have argued that without these lawsuits, the public will never learn the details about the President's program. But litigation is highly unlikely to tell the story of what happened with the President's program. Too many of these facts dealing with intelligence sources and methods remain appropriately classified, and the executive branch is highly unlikely to agree to declassify additional information if it could affect the ongoing litigation.

Thus, the litigation is unlikely to result in a ruling in the near future about the legality of the conduct of the President nor any private company, nor, for that matter, the public disclosure of any additional information about the President's program. Instead, it is possible the cases, as I indicated, will continue for years as the courts debate whether information must be disclosed.

In the meantime, however, as I mentioned, the litigation poses a serious risk to U.S. intelligence collection. That is my job and that is the job of the committee I chair and the job of the chairman of the Intelligence Committee in the House. We are not about being courts, we are about trying to balance civil liberties as best as we can

with the ability of this country to collect an entirely different kind of intelligence that we were so busy doing recently in the Cold War era. Without the assistance of telecommunications providers, our intelligence community simply cannot obtain the intelligence it needs.

Is that a serious statement? Do Members of the Senate concern themselves with that? Is this just me, this Senator, standing up making a statement trying to win some votes? Or is there the possibility it could be true? If there is a possibility—and I think it is a probability it is true—then I don't understand why people can be confused on this subject because I think the choices are clear. Allowing companies to be dragged through the court system because of their alleged cooperation with the Government encourages them not to cooperate with any request, even those that are clearly legal without court compulsion. It also sends a message to all private companies: cooperate with the U.S. Government at your peril. Is that a bit of an overstatement? In the corporate boardrooms around this country, my guess is that is the discussion. Very few corporations have the capacity to help the Government in the way telecommunications companies do.

Discouraging private sector cooperation with the Federal Government is not, in the feeling of this Senator, the right long-term result for either the intelligence community or the American people.

Many have argued that providers who act unlawfully should be held accountable. I totally agree that all Americans, including corporate citizens, must follow the law and be held accountable for their failures. Companies that deliberately seek to evade privacy laws or legal restrictions on electronic surveillance can and should be subject to civil suit, but that is not the issue here, I would say to the Presiding Officer. That is not the issue.

The Intelligence Committee spent a lot of time, as I have indicated, this year looking into what happened over the past 6 years. Before deciding to provide liability protection for the companies, the Intelligence Committee heard testimony from relevant witnesses and carefully reviewed the written communications provided to participants in the program.

Participants were sent letters, all of which stated the relevant activities had been authorized by the President and all but one—and that was done by the legal counsel to the President—of which stated the activities had been determined to be lawful by the Attorney General of the United States. Shouldn't private companies be entitled to rely on the written representations of the highest levels of Government officials that their cooperation is necessary and has been determined to be lawful? Can you argue that if they get those notifications from the NSA Director and it has been approved by the Attorney General and has been declared essential for the national interest by the President, should they instead say: Oh, well, we don't care about that. That is not our business. We are not going to do that.

And isn't it reasonable to assume that a U.S. citizen who has been told the Attorney General has found their cooperation to be lawful is acting in good faith? If they have been through this process and they proceed to act on it, why is it so easy to stipulate they are not acting in good faith? How does one show that? How does one imagine that?

I have been through this, this whole question of what the companies get from it, and it is the thing that bothers me so much. They get nothing but grief. They get suits. They get costs. They get a diminished reputation. They begin to pull away. Their shareholders lose confidence. Do they get money? No. They get nothing. So why would they want to continue to cooperate would be my question.

The answer to these questions are at the heart of the Intelligence Committee's determination that it is essential that Congress protect private companies that assisted the Government after the terrorist acts of 9/11.

Mr. President, I will complete this part of my presentation and yield the floor. I suggest the absence of a quorum.

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

The assistant legislative clerk proceeded to call the roll.

Mr. ROCKEFELLER. 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. ROCKEFELLER. Mr. President, I ask unanimous consent that at 3:05 p.m. today the Senate return to the Cardin amendment No. 3930, with the time from 3:05 until 3:15 equally divided and controlled in the usual form; that the Senate then proceed to vote in relation to the amendment, with other provisions of the previous order remaining in effect.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. BOND. No.

Mrs. FEINSTEIN. Mr. President, reserving the right to object, I wish to secure the ability, following this vote, to call up one of my amendments, if I might. My understanding is that maybe I can do it now.

Mr. ROCKEFELLER. This is a total of 10 minutes or less amendment, but we will not start until 3:05. The Senator can call it up.

Mrs. FEINSTEIN. All right.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

The Senator from California is recognized.

AMENDMENT NO. 3910 TO AMENDMENT NO. 3911

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the present amendment be set aside in order for me to call up amendment No. 3910 on FISA exclusivity.

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

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from California [Mrs. FEINSTEIN], for herself, Mr. ROCKEFELLER, Mr. LEAHY, Mr. NELSON of Florida, Mr. WHITEHOUSE, Mr. WYDEN, Mr. HAGEL, Mr. MENENDEZ, Ms. SNOWE, and Mr. SPECTER, proposes an amendment numbered 3910.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To provide a statement of the exclusive means by which electronic surveillance and interception of certain communications may be conducted)

Strike section 102, and insert the following:

**SEC. 102. STATEMENT OF EXCLUSIVE MEANS BY WHICH ELECTRONIC SURVEILLANCE AND INTERCEPTION OF CERTAIN COMMUNICATIONS MAY BE CONDUCTED.**

(a) STATEMENT OF EXCLUSIVE MEANS.—Title I of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) is amended by adding at the end the following new section:

''STATEMENT OF EXCLUSIVE MEANS BY WHICH ELECTRONIC SURVEILLANCE AND INTERCEPTION OF CERTAIN COMMUNICATIONS MAY BE CONDUCTED

''SEC. 112. (a) Except as provided in subsection (b), the procedures of chapters 119, 121 and 206 of title 18, United States Code, and this Act shall be the exclusive means by which electronic surveillance (as defined in section 101(f), regardless of the limitation of section 701) and the interception of domestic wire, oral, or electronic communications may be conducted.

''(b) Only an express statutory authorization for electronic surveillance or the interception of domestic wire, oral, or electronic communications, other than as an amendment to this Act or chapters 119, 121, or 206 of title 18, United States Code, shall constitute an additional exclusive means for the purpose of subsection (a).''.

(b) OFFENSE.—Section 109 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1809) is amended—

(1) in subsection (a), by striking ''authorized by statute'' each place it appears in such section and inserting ''authorized by this Act, chapter 119, 121, or 206 of title 18, United States Code, or any express statutory authorization that is an additional exclusive means for conducting electronic surveillance under section 112.''; and

(2) by adding at the end the following:

''(e) DEFINITION.—For the purpose of this section, the term 'electronic surveillance' means electronic surveillance as defined in section 101(f) of this Act regardless of the limitation of section 701 of this Act.''.

(c) CONFORMING AMENDMENTS.—

(1) TITLE 18, UNITED STATES CODE.—Section 2511(2) of title 18, United States Code, is amended—

(A) in paragraph (a), by adding at the end the following:

''(iii) If a certification under subparagraph (ii)(B) for assistance to obtain foreign intelligence information is based on statutory authority, the certification shall identify the

specific statutory provision, and shall certify that the statutory requirements have been met.''; and

(B) in paragraph (f), by striking '', as defined in section 101 of such Act,'' and inserting ''(as defined in section 101(f) of such Act regardless of the limitation of section 701 of such Act)''.

(2) TABLE OF CONTENTS.—The table of contents in the first section of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) is amended by adding after the item relating to section 111, the following:

''Sec. 112. Statement of exclusive means by which electronic surveillance and interception of certain communications may be conducted.''.

Mrs. FEINSTEIN. Mr. President, I voted for this FISA legislation in the Intelligence Committee. I indicated then that I had some concerns about it. I filed additional views with respect to the need for stronger exclusivity provisions. Then the Judiciary Committee reported out a bill that included its view with respect to strengthening the fact that the Foreign Intelligence Surveillance Act would be the exclusive manner in which electronic surveillance against Americans could be conducted.

The Judiciary bill subsequently failed on the floor of the Senate. The amendment I have at the desk is essentially the exclusivity language from that Judiciary Committee amendment. It has several cosponsors: the chairman of the Intelligence Committee, Mr. ROCKEFELLER; chairman of the Judiciary Committee, Mr. LEAHY; Senator NELSON of Florida; Senator WHITEHOUSE; Senator WYDEN; Senator HAGEL; Senator MENENDEZ; Senator SNOWE; and Senator SPECTER.

As filed this is an amendment that only covers exclusivity. In the interim period, the vice chairman of the Intelligence Committee approached me about the possibility of a modification of the amendment that would allow the administration to be able to operate outside of FISA for a time.

We have not been able to come to terms on that amendment. I could not agree to the length of time that Mr. BOND proposed, which was 45 days plus an additional 45 days, for a total of 3 months, enabling the administration to operate without a FISA warrant.

The fact is, since January of 2007, the entire Terrorist Surveillance Program has operated within the confines of the Foreign Intelligence Surveillance Act and under orders from the Foreign Intelligence Surveillance Court. That is, I believe, as it should be.

I have a modification to my exclusivity amendment that would limit the period of time outside of FISA following a declaration of war, an authorization for the use of military force, or a major attack against the nation to 30 days. The question is whether I would have unanimous consent from the vice chairman to be able to call up that modification of my amendment. But that has not been given to me yet.

So at this time, I am going to rest my case on the exclusivity amendment, and I will have an opportunity, I hope, to argue it later.

I would now like to call up my amendment, No. 3919.

The PRESIDING OFFICER (Mr. SANDERS). Amendment No. 3910 is pending.

AMENDMENT NO. 3919 TO AMENDMENT NO. 3911

Mrs. FEINSTEIN. Mr. President, I wish to make another amendment pending, so I ask unanimous consent to set aside the pending amendment and call up amendment No. 3919. This is the FISA Court review of immunity amendment. This is my second amendment which is part of the unanimous consent agreement. I do this just to get it before the body.

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

The clerk will report.

The bill clerk read as follows:

The Senator from California [Mrs. FEINSTEIN], for herself, Mr. NELSON of Florida, and Mr. CARDIN, proposes an amendment numbered 3919 to amendment No. 3911.

The amendment is as follows:

(Purpose: To provide for the review of certifications by the Foreign Intelligence Surveillance Court)

On page 72, strike line 13 and all that follows through page 73, line 25, and insert the following:

(6) FOREIGN INTELLIGENCE SURVEILLANCE COURT.—The term ''Foreign Intelligence Surveillance Court'' means the court established under section 103(a) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803(a)).

(7) FOREIGN INTELLIGENCE SURVEILLANCE COURT OF REVIEW.—The term ''Foreign Intelligence Surveillance Court of Review'' means the court of review established under section 103(b) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803(b)).

**SEC. 202. LIMITATIONS ON CIVIL ACTIONS FOR ELECTRONIC COMMUNICATION SERVICE PROVIDERS.**

(a) LIMITATIONS.—

(1) IN GENERAL.—Notwithstanding any other provision of law, and subject to paragraph (3), a covered civil action shall not lie or be maintained in a Federal or State court, and shall be promptly dismissed, if the Attorney General certifies to the court that—

(A) the assistance alleged to have been provided by the electronic communication service provider was—

(i) in connection with an intelligence activity involving communications that was—

(I) authorized by the President during the period beginning on September 11, 2001, and ending on January 17, 2007; and

(II) designed to detect or prevent a terrorist attack, or activities in preparation for a terrorist attack, against the United States; and

(ii) described in a written request or directive from the Attorney General or the head of an element of the intelligence community (or the deputy of such person) to the electronic communication service provider indicating that the activity was—

(I) authorized by the President; and

(II) determined to be lawful; or

(B) the electronic communication service provider did not provide the alleged assistance.

(2) SUBMISSION OF CERTIFICATION.—If the Attorney General submits a certification under paragraph (1), the court to which that certification is submitted shall—

(A) immediately transfer the matter to the Foreign Intelligence Surveillance Court for a determination regarding the questions described in paragraph (3)(A); and

(B) stay further proceedings in the relevant litigation, pending the determination of the Foreign Intelligence Surveillance Court.

(3) DETERMINATION.—

(A) IN GENERAL.—The dismissal of a covered civil action under paragraph (1) shall proceed only if, after review, the Foreign Intelligence Surveillance Court determines that—

(i) the written request or directive from the Attorney General or the head of an element of the intelligence community (or the deputy of such person) to the electronic communication service provider under paragraph (1)(A)(ii) complied with section 2511(2)(a)(ii) of title 18, United States Code, and the assistance alleged to have been provided was provided in accordance with the terms of that written request or directive;

(ii) subject to subparagraph (C), the assistance alleged to have been provided was undertaken based on the 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 compliance with the written request or directive was lawful; or

(iii) the electronic communication service provider did not provide the alleged assistance.

(B) PROCEDURES.—

(i) IN GENERAL.—In reviewing certifications and making determinations under subparagraph (A), the Foreign Intelligence Surveillance Court shall—

(I) review and make any such determination en banc; and

(II) permit any plaintiff and any defendant in the applicable covered civil action to appear before the Foreign Intelligence Surveillance Court pursuant to section 103 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803).

(ii) APPEAL TO FOREIGN INTELLIGENCE SURVEILLANCE COURT OF REVIEW.—A party to a proceeding described in clause (i) may appeal a determination under subparagraph (A) to the Foreign Intelligence Surveillance Court of Review, which shall have jurisdiction to review such determination.

(iii) CERTIORARI TO THE SUPREME COURT.—A party to an appeal under clause (ii) may file a petition for a writ of certiorari for review of a decision of the Foreign Intelligence Surveillance Court of Review issued under that clause. The record for such review shall be transmitted under seal to the Supreme Court of the United States, which shall have jurisdiction to review such decision.

(iv) STATE SECRETS.—The state secrets privilege shall not apply in any proceeding under this paragraph.

(C) SCOPE OF GOOD FAITH LIMITATION.—The limitation on covered civil actions based on good faith reliance under subparagraph (A)(ii) shall only apply in a civil action relating to alleged assistance provided on or before January 17, 2007.

Mrs. FEINSTEIN. I ask that the amendment be set aside.

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

The Senator from Maryland.

AMENDMENT NO. 3930

Mr. CARDIN. Mr. President, shortly we will be voting on the amendment I offered that provides for a 4-year sunset in the Foreign Intelligence Surveillance Act.

I thank first Senator ROCKEFELLER for his help, Senator LEAHY, Senator

MIKULSKI, Senator KENNEDY, and others who have been instrumental in making sure that we have provisions in this bill so that we continue our congressional oversight.

This amendment is not unusual. Every major change in the FISA law has been accompanied by a sunset. When we passed the PATRIOT Act, we had a 4-year sunset on most of the provisions. When we revised it, we had a 3-year sunset on the most controversial provisions. When we passed the Protect America Act, we had a very short sunset on it because we were not certain we were getting it right.

This change is controversial. If my colleagues think it is not controversial, look at all the debate that has taken place on the floor of this body. We want to make sure that we get it right.

It is interesting that as we get close to the time when Congress has to act, we seem to get a lot more cooperation from the executive branch of Government. The sunset will ensure that we get the type of cooperation we need to carry out our responsibilities, to get the documents we need to make sure we get it right.

As I pointed out, technology is changing quickly. I think a 4-year period is reasonable for us to take a fresh look at this issue.

This is not a question of whether we should have a sunset in the bill. There is a 6-year sunset in the bill. So why is it so important to have a 4-year sunset versus a 6-year sunset? The answer, quite frankly, is we want the next administration that is going to take office in January to focus on this issue and work with us so they can operate collectively with the authority of Congress and the laws we pass in the executive branch. It is important that the next administration focus on this issue, and that is why this amendment is particularly important.

My friend from Missouri pointed out that this is an election year. No, it is not. The sunset provision would terminate in December of 2011, so it is a year before the elections. I think it is the right time for a sunset.

I know the administration does not want any sunset in this bill. I understand that. As I pointed out before, they don't want any congressional oversight. They don't even think they need congressional laws on this subject. They don't even think they need a Congress. But we have our responsibility, and I hope we would want this issue revisited during the next administration. I urge my colleagues to support the amendment.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, we have discussed this issue before on the floor. I urge my colleagues to vote against this amendment. As I have stated previously, the current bill, the Protect America Act, had a 6-month sunset on it only because we were not able to bring a full, complete FISA modernization bill to the floor, given the failure of Congress to act. We had been requested in April, May, June, and July to change the law. This is a bill that should establish a permanent operating authority for the intelligence community and the private partners who work with it.

As part of the compromise we reached in passing the bill, I did not believe we should have a sunset, but we agreed on a 6-year sunset. That was part of the deal. The 6-year sunset at least gives us certainty over the 6 years in time, that both the intelligence agencies, our private partners, and our allies abroad who depend upon us would have time to make this system work.

The problem we face is that any sunset withholds from our intelligence professionals and the private partners the certainty and the permanence they need to protect Americans from terrorism and other threats to national security.

Attorney General Mukasey has said there are no fatwahs with limitations by the terrorist leaders who seek to do us harm. They put out orders to keep trying to kill us, and these are not going to go away. There should be no sunset on this bill.

I disagree very strongly with my friend from Maryland that Congress is an important part of this. We passed a good bill that adds far more protections than Americans have ever had in intelligence collection. This bill is a good bill, but I can assure him that we have a strong bipartisan committee and a strong staff that will continue to oversee, supervise, and watch the surveillance to make sure it works. If we find it does not work, we should not wait for a 4-year sunset or a 6-year sunset. We should make those changes when they are needed.

We can see how long we have had to fight to get this authorization through. There was no action from the majority from April, May or June, until the very end of July. We put this bill out on the floor in October. We could not get the bill up in December because of filibusters. We had to get another 15-day extension so it would not expire.

We can act on the bill any time we need, but we cannot deprive our partners, our intelligence community, and our allies the protection if Congress cannot work.

I yield time to the distinguished chairman of the committee.

Mr. ROCKEFELLER. I say to the Presiding Officer, I find myself in disagreement with my vice chairman. I originally wanted 4 years and we went to 6 years because of accommodations that yielded other results. In the wisdom of the joint Intelligence Committee and Judiciary Committee, settling on 4 years makes a lot of sense. I urge the adoption of the amendment.

Mr. KENNEDY. Mr. President, the amendment that Senator CARDIN has offered is very simple, but it is absolutely critical to this bill. The amendment would move up the bill's sunset date from 6 years to 4 years. Congress would need to revisit the law by the end of 2011 instead of 2013.

The amendment is good public policy. Whenever a significant new law is enacted, it is important to require Congress to revisit it at an earlier rather than a later date.

The FISA bill we are considering is highly complicated legislation affecting Americans' security and liberty. It grants the executive branch vast new authority for electronic surveillance at a time of rapidly changing technology and rapidly changing threats. Even the country's leading national security experts cannot say for sure what our national security challenges will look like in 3 years, much less how this legislation will work out in practice.

This is also highly controversial legislation. I don't need to remind anyone in this Chamber of the intense debate that has been taking place over many parts of this bill. The FISA rules on electronic surveillance affect every American. They are the only thing that stands between the freedom of Americans to make a private phone call, send a private e-mail, or search the Internet, and the ability of the Government to listen in on the call, read the e-mail, and review the Internet search.

In this information age, FISA gives Americans basic protection against Government tyranny and abuse, and we owe it to the American people to revisit it promptly to make sure its protections are effective.

Congress also needs an earlier sunset because we need more information to assess how these new policies will work in practice. The ongoing confusion and controversy in this area mean that Congress does not have enough knowledge or confidence to be sure the legislation is adequate.

With an early sunset, Congress will have to make an early assessment of how the legislation is being interpreted and implemented. We will be able to identify problems and abuses much sooner. If changes are made to the law in 2011, it will be because experience has shown that changes are needed.

We passed this exact same amendment in the Judiciary Committee in the middle of November, and in the weeks since then, I have heard only two arguments against it, both from the White House. Neither of them holds up.

The first objection is that there has already been sufficient consideration of these issues, so that Congress should be able to pass a permanent FISA reform right now. Everyone agrees that short sunsets are valuable when Congress has not had time to consider an issue thoroughly and develop a factual record. But the Bush administration claims there has already been a detailed and informed discussion of FISA modernization.

That objection is wrong on the facts. The administration has recently started to work with Congress more openly, but there is still a great deal we don't know about how it has been conducting its electronic surveillance. Much of what we have learned has come from leaks to the press.

A few months ago, the White House decided to share with the Senate certain documents on the role of the telecommunications companies in an effort to obtain retroactive immunity for them. This was the first time the administration had ever shown Congress any documents on its warrantless surveillance. So far, however, the White House has shared only a small number of documents with a small number of Senators—and until late last month, not with any Members of the House of Representatives. Such selective disclosure is a pale shadow of the real disclosure Congress needs to enact good legislation.

That objection is also wrong as a matter of policy. No matter how much discussion there may have been, this is highly complicated legislation that makes major, untested changes in our surveillance laws. It is impossible for Congress to analyze these issues in the abstract, without any track record to evaluate. With a law as complex, new, and important as this, a short sunset is responsible policy.

The second objection I have heard is that a short sunset introduces too much uncertainty to the rules affecting our intelligence professionals. The administration says it is not efficient for agencies to develop new policies and procedures, only to have the law change within a brief period. They say the intelligence community operates more effectively when the rules governing intelligence professionals are well-established, and are not in doubt.

This objection is more serious, but it too dissolves upon consideration. It is true that there may be a little extra uncertainty that comes with a short sunset. But the much more significant uncertainty is whether all of the changes made by this bill will be good for the country—and there is no way to be sure about this ahead of time.

Intelligence professionals should not be locked into a surveillance system that doesn't work well for them, and Americans should not be locked into a system that fails to protect their security or their rights. The early sunset guarantees that Congress will review these extremely complicated, untested, and powerful new authorities and how they are actually being used by the executive branch.

The administration's argument against a sunset is an argument against congressional oversight of FISA. The White House wants Congress to pass a new FISA law, and then to look the other way while the executive branch implements and interprets its new powers. They want Congress to trust them when they tell us how the law is working, rather than look into it ourselves.

Given this administration's track record of warrantless illegal spying, ''trust us'' is not an acceptable way to proceed. Congress needs to stay on top of this issue to make sure that our surveillance laws are keeping Americans safe and protecting their freedom. That is what we have been elected to do, and that is what the Constitution requires us to do.

As I said at the start, this amendment is very simple. It moves the sunset date up by 2 years. Yet it may well be the single most important thing Congress can do to ensure that we reform FISA in a responsible and effective way.

This sunset amendment is a win-win for national security and civil liberties. It will ensure that Congress remains engaged on the crucial issues of electronic surveillance that affect all Americans. To make sure that our new FISA law actually gets the job done, I urge my colleagues to adopt this amendment.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. CARDIN. Mr. President, let me briefly summarize the comments Senator BOND made. It is true that the terrorist groups do not have any types of restrictions on what they can do. They do not have any legislature. They do not have any courts. They do not have any constitution. They have no respect for human life. They have no civil liberties with which they have to deal. But that is what makes this Nation the great nation it is. It is our responsibility to make sure that we carry out what the people of our Nation expect us to do.

Let me point out that the PATRIOT Act, when it was passed, had a 4-year sunset. Then we reauthorized some of the provisions, but we kept a 3-year sunset. We have used sunsets that have been shorter, and on controversial laws, a 4-year sunset is the minimum we should have.

I urge my colleagues to understand that it is important that the next administration work with us so we never get back to where we are this year, where the executive branch is heading in one direction and we don't know what they are doing. Let's work together so we can keep Americans safe, having the administration work with us next year so we understand what they are doing, they have our support and, if necessary, we modify the laws to give them the tools they need to keep America safe.

I urge my colleagues to support the amendment.

Mr. BOND. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. There is 1 minute 10 seconds remaining.

Mr. BOND. Mr. President, this is a great nation because we have kept our country safe. We have kept our country safe, and we are working very closely with the intelligence community. That is why we have a good bill. The intelligence community says we must have the certainty at least of 6 years. I wanted to see none. That is why we came to an agreement in the Intelligence Committee and a 13-to-2 vote said we should have this bill with a 6-year sunset.

We have a solid bipartisan product addressing civil liberties concerns, while making sure the intelligence community has the tools and authorities it needs to keep us safe.

As I said, this was an important part of our compromise to get the bill through. Our intelligence collectors and troops on the battlefield need certainty, not rules that will expire in 4 years. That is why both the Director of National Intelligence and the Attorney General strongly oppose shortening the 6-year sunset in the bill.

I urge my colleagues to join me in opposing this amendment.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. CARDIN. Mr. President, quickly, in closing, I thank the chairman of the Intelligence Committee for his support of this amendment. This amendment does nothing to jeopardize the bipartisan work of the Intelligence Committee. It preserves the appropriate role of the legislative branch of Government, and I would hope all my colleagues would want to support that change to make it clear that the next administration must come back to Congress.

With that, Mr. President, I yield back the remainder of my time, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

Mr. BOND. Mr. President, there is a 60-vote agreement on this.

The PRESIDING OFFICER. That is correct.

The question is on agreeing to amendment No. 3930. The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from New York (Mrs. CLINTON) and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from North Carolina (Mr. BURR), the Senator from South Carolina (Mr. GRAHAM), and the Senator from Arizona (Mr. MCCAIN).

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

The result was announced—yeas 49, nays 46, as follows:

[Rollcall Vote No. 7 Leg.]

YEAS—49

| | | |
|---|---|---|
| Akaka | Casey | Kerry |
| Baucus | Conrad | Klobuchar |
| Bayh | Dodd | Kohl |
| Biden | Dorgan | Landrieu |
| Bingaman | Durbin | Lautenberg |
| Boxer | Feingold | Leahy |
| Brown | Feinstein | Levin |
| Byrd | Harkin | Lincoln |
| Cantwell | Inouye | McCaskill |
| Cardin | Johnson | Menendez |
| Carper | Kennedy | Mikulski |

| | | |
|---|---|---|
| Murray | Reid | Tester |
| Nelson (FL) | Rockefeller | Webb |
| Nelson (NE) | Salazar | Whitehouse |
| Obama | Sanders | Wyden |
| Pryor | Schumer | |
| Reed | Stabenow | |

NAYS—46

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

NOT VOTING—5

| | | |
|---|---|---|
| Burr | Graham | McCain |
| Clinton | Lieberman | |

The PRESIDING OFFICER. Under the previous order requiring 60 votes for the adoption of this amendment, the amendment is withdrawn.

The majority leader is recognized.

Mr. REID. Mr. President, I move to reconsider the vote and table that motion.

The motion to table was agreed to.

CONGRATULATING SENATOR INOUYE ON HIS 15,000TH VOTE

Mr. REID. Mr. President, 2LT DANIEL K. INOUYE distinguished himself by extraordinary heroism in action on April 21, 1945, in the vicinity of San Terenzo, Italy.

While attacking a defended ridge guarding an important road junction, Second Lieutenant INOUYE skillfully directed his platoon through a hail of automatic weapons and small arms fire in a swift and enveloping movement that resulted in the capture of an artillery and mortar post and brought his men to within 40 yards of the hostile force.

Emplaced in bunkers and rock formations, the enemy halted the advance with crossfire from three machine guns. With complete disregard for his personal safety, Lieutenant INOUYE crawled up the treacherous slope to within 5 yards of the nearest machine gun and hurled two grenades, destroying the emplacement.

Before the enemy could retaliate, he stood up and neutralized a second machine gun nest. Although wounded by a sniper's bullet, he continued to engage other hostile positions at close range until an exploding grenade shattered his right arm.

Despite the intense pain, he refused evacuation and continued to direct his platoon until enemy resistance was broken and his men were again deployed in defensive positions.

In the attack, 25 enemy soldiers were killed and 8 others were captured. By his gallant, aggressive tactics, and by his indomitable leadership, Lieutenant INOUYE enabled his platoon to advance through formidable resistance and was instrumental in the capture of the ridge.

Lieutenant INOUYE'S extraordinary heroism and devotion to duty are in keeping with the highest traditions of military service and reflect great credit on him, his unit, and the U.S. Army.

Mr. President, Members of the Senate, these are the words that describe the actions of heroism of Senator INOUYE, when, as a young man, he put his own safety aside for others. As a result of that he was awarded America's highest honor for gallantry and heroism, the Medal of Honor.

The reason I bring this to everyone's attention today is that we have a lot of new Senators. I want every one of them to know this man DAN INOUYE is a man who was born to be a hero. He never thinks of himself but of others. In my 25-plus years in Congress, that is how I have found him to be.

I rise to express joy and honor for my friend and colleague Senator INOUYE on the occasion of his 15,000th rollcall vote, which was just completed.

DAN INOUYE was born to Japanese-American immigrants in Honolulu, the eldest of four children. Did he ever set an example—he sure did—for his siblings. On the day of the Pearl Harbor attack, with chaos reigning, and being only 17 years old, he volunteered to provide medical help to the injured, and there were a lot of injured. After high school, he wanted to become a medical doctor. At the time the U.S. Army banned Japanese Americans from becoming soldiers. The war broke out, but this ban was dropped, and as a teenager, DAN INOUYE immediately put his medical ambition aside and signed up to serve his country in the military. Perhaps it was fate that DAN INOUYE joined the legendary 442nd regimental combat team which in no small part, thanks to his bravery, became the most highly decorated unit in the history of the U.S. Army.

I can't improve the words of praise this great man earned upon receiving the Medal of Honor for his courageous service. I read that. But I think we all here recognize we serve with a very extraordinary human being. While he was recovering from his injuries—and it was more than his arm; his whole body was hurt and, as a result he spent years in a military hospital—in the military hospital, he met another wounded warrior, a man named Bob Dole. They recuperated together, both having severe arm injuries, among other things. The only injuries you could see with Senator Dole and Senator INOUYE were the arms. But, of course, their injuries were much more severe than that. While there, Senator Dole told Senator INOUYE, both to be Senators: I am going to run for Congress. Senator INOUYE beat him there by a few years. That chance encounter began a lifetime of friendship that took these two wounded warriors from hospital beds in Battle Creek, MI, to seats in the Senate. The friendship and close working relationship they have shared is emblematic of Senator INOUYE's lifelong commitment to bipartisanship in the pursuit of progress.

In his decades of public service, Senator INOUYE has been a leader on issue after issue of concern to the American people. As chairman of the Subcommittee on Defense Appropriations, he is the leading expert and national advocate for national security, strengthening the military, and honoring our troops and veterans.

As the first person of Japanese descent to serve in the Senate, DAN INOUYE is a soft-spoken trailblazer.

On a personal level, I was a very new Senator and he had made a commitment to do a fundraiser for me in Florida. He didn't know at the time he made this commitment that there would be other things that would be in the way of that. There was a little thing in the way, his wife's birthday. She understood. He understood. And he, because he had made a commitment, made the personal sacrifice and came down there. I have never forgotten that. That is why when he sought a leadership position in the Senate, I was the first to stand in line to support Senator INOUYE. His heroism and extraordinary lifetime of public service are an inspiration to us all.

But on a personal note, Landra and I, and all my colleagues, are so happy and pleased to hear the recent news that DAN and Irene will be married this May. All of us in the Senate family wish them happiness and joy.

The PRESIDING OFFICER. The Republican leader.

Mr. MCCONNELL. Mr. President, the U.S. Senate has been conducting its business here in Washington for just over 200 years. For more than one-fifth of that time, Senator DANIEL INOUYE of Hawaii has been casting rollcall votes. And just now, he cast his 15,000th, making him the fourth most prolific voter in Senate history.

If Senator INOUYE had anything to say about it, I have no doubt the moment would have passed without fanfare. Some Senators make their presence felt by talking a lot or by being flamboyant. DAN INOUYE has always been another sort of Senator.

He is one of only 107 Americans alive today to have received the Medal of Honor for combat bravery. He is the iconic political figure of the 50th State, the only original member of a congressional delegation still serving in Congress. And he has ensured through many years of diligent service on the Defense Appropriations Subcommittee that an entire generation of America's uniformed military has gone well prepared into battle and was well cared for when they returned.

Despite all this, DAN's quiet demeanor and adherence to a code of honor and professionalism has made him a stranger to controversy and to the fleeting fame that often comes with it. He is a man who has every reason to call attention to himself but who never does. He is the kind of man, in short, that America has always been grateful to have, especially in her darkest hours, men who lead by example and who expect nothing in return.

Historians tell us about one of those dark moments early in our Nation's

history, just after the surrender at Yorktown. Hostilities with the British had ended, but America was on the brink of a military coup. Congress had promised to give officers and soldiers back pay, food, and clothing, and hadn't delivered. The situation grew so serious that U.S. officers threatened an armed revolt.

In a meeting at Newburgh, George Washington urged patience. He assured the officers Congress would act justly. And then, with anger and impatience still in the air, he pulled a letter from his pocket from Congress. Staring at it for a few moments with a look of confusion, he reached into his pocket again and pulled out a pair of reading glasses that only his closest advisers had ever seen. ''You will permit me, gentlemen, to put on my spectacles,'' he said. ''For I have not only grown gray, but almost blind, in the service of my country.''

Some of the officers wept with shame. One man's heroism was enough to dissolve whatever hostilities remained. Revolt was averted, peace preserved, and a roomful of men learned that day what it meant to be an American.

More than a century and a half later, after another dark moment in our Nation's history, another roomful of men would learn a similar lesson. The year was 1959, the place was the U.S. Capitol, and a young man named DANIEL INOUYE was being sworn into office.

The memory of a hard-fought war against the Japanese was fresh in many minds as the Speaker, Sam Rayburn, prepared to administer the oath—not only to the first Member from Hawaii, but to the first American of Japanese descent ever elected. Rayburn spoke: ''Raise your right hand and repeat after me . . .''

Here's how another Congressman would later record what followed: ''The hush deepened as the young Congressman raised not his right hand but his left and repeated the oath of office. There was no right hand. It had been lost in combat by that young American soldier in World War II. And who can deny that, at that moment, a ton of prejudice slipped quietly to the floor of the House of Representatives.''

As a young boy growing up in Hawaii, DAN and his friends always thought of themselves as Americans. But after Pearl Harbor, they found themselves lumped together with the enemy. It was one of the reasons so many of them felt such an intense desire to serve. Their loyalty and patriotism had been questioned, and they were determined to show their patriotism beyond any doubt.

At first they weren't allowed to volunteer. A committee of the Army, caving to prejudice, recommended against forming a combat unit of Japanese Americans. But they persisted, and on June 5, 1942, the policy changed.

In reversing the previous order, President Roosevelt said, quote, ''Americanism is a matter of the mind and heart. Americanism is not, and never was, a matter of race or ancestry.''

The overwhelming response of Japanese Americans proved Roosevelt right. Eighty percent of the military-age men of Japanese descent who lived in Hawaii volunteered for the first-ever, all-Japanese-American combat team. And among the 2,686 accepted was an 18-year-old freshman at the University of Hawaii named DAN INOUYE.

The 442nd Regimental Combat Team, the famous ''Go for Broke'' regiment, would become the most decorated military unit in American history. SGT DAN INOUYE was one of its combat platoon leaders. He spent 3 bloody months in the Rome Arno campaign and 2 brutal weeks rescuing a Texas battalion that was surrounded by German forces, an operation military historians often describe as one of the most significant military battles of the 20th century.

After the rescue, Sargeant INOUYE was sent back to Italy, where on April 21, 1945, he displayed ''extraordinary heroism,'' in leading his platoon through tough resistance to capture an important strategic ridge. Crawling within five yards of the nearest machine gun, he destroyed it with grenades, then stood up and destroyed several others machine gun nests at close range—even as a sniper's bullet shattered his arm. Despite the pain, he continued to direct his men until the enemy's retreat, and become one of the most decorated soldiers of the war.

DAN would later spend nearly 2 years in an Army hospital in Battle Creek, MI, and it was there that he met a wounded soldier, as the majority leader mentioned, from Kansas. DAN had always wanted to be a surgeon, but that dream faded away on a ridge in Italy. He decided to ask his friend what he had in mind for a career. Politics was the reply. DAN was intrigued. And many years later, as a freshman in Congress, he wrote a note to Bob Dole, playfully taunting him for not making it here first.

It is fitting that DAN owes his Senate career, in a sense, to a Republican. He has never let narrow party interests stand in the way of friendship or cooperation on matters of real national importance. His friendship with Senator STEVENS is one of the most storied in all of Senate history. And I know I have never hesitated to call DAN when I thought something important was at stake. As DAN has always said, ''to have friends, you've got to be a friend.''

It is a good principle, and it is one he has always lived up to. But it is just one of the remarkable traits that have made him one of America's great men.

On the morning of his first day in the Army, DAN rode part of the way to the barracks on a bus with his dad. He later recalled that at one point his father grew somber, offered his first son some brief advice about the importance of having good morals, then said something about the country he would soon defend.

''America has been good to us,'' his father said. ''And now—I would never have chosen it to be this way—but it is you who must try to return the goodness of this country.''

DAN INOUYE would make his father very proud. He has more than repaid the goodness of this country. I know I speak for every other Senator who has served with him, the people of Hawaii, and anyone who respects this institution or loves this country, when I say thank you for the dignity, the grace, and the heroism with which you have lived your great American life. You are an example and an inspiration to all of us.

I yield the floor.

The PRESIDING OFFICER (Mrs. MCCASKILL). The Senator from Hawaii.

Mr. AKAKA. Madam President, in the year 1924, a child was born to a woman who was nurtured by a Hawaiian family. He was born in Hawaii as an American of Japanese ancestry. He was brought up in Hawaii and went to school there, graduated from McKinley High School in 1942, and decided to serve our country, as he did. You have heard others tell about his activities as an Army person. But he went on to finally receive the Medal of Honor from this country, which is the greatest medal anyone can receive. This is Senator DAN INOUYE.

When he finished his service, he used the GI bill, of which he was a recipient, to be educated. When he returned to Hawaii, he entered into politics and served in the State legislature.

When Hawaii became a State in 1959, he was Hawaii's first U.S. House of Representatives Member. It was from there he did run for the Senate and was elected and has been here since that time. DAN INOUYE has served our country well over these years, and he has served Hawaii well.

So today I rise to mark a historic occasion, which is Senator INOUYE's 15,000th vote. This historic milestone is compelling evidence of Senator INOUYE's devotion to public service. The people of Hawaii have given him their trust, and in return he has fought relentlessly for our State and our country.

DAN INOUYE is an institution, without question, in the Senate, and I look forward to casting many more votes with my good friend and mentor and brother to benefit Hawaii and strengthen the United States.

God bless you, Senator INOUYE, and with much aloha.

Thank you very much.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. INOUYE. Madam President, I am deeply moved and most grateful for the generous and warm remarks of my colleagues. I shall do my very best to live up to their praise.

I thank you very much.

(Applause, Senators rising.)

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 3927 TO AMENDMENT NO. 3911

(Purpose: To provide for the substitution of the United States in certain civil actions)

Mr. SPECTER. Madam President, I now call up amendment No. 3927.

The PRESIDING OFFICER. Without objection, the pending amendments are set aside.

The clerk will report.

The legislative clerk read as follows:

The Senator from Pennsylvania [Mr. SPECTER], for himself and Mr. WHITEHOUSE, proposes an amendment numbered 3927 to amendment No. 3911.

Mr. SPECTER. Madam President, I ask unanimous consent that further reading of the amendment be dispensed with.

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

(The amendment is printed in the RECORD of Friday, January 25, 2008, under ''Text of Amendments.'')

Mr. SPECTER. Madam President, there are 2 hours set aside for this amendment. We have about 24 minutes between now and 4:30, when the Senate will move on to other business.

I have just discussed with my distinguished colleague, Senator WHITEHOUSE, and the managers—Chairman ROCKEFELLER and Vice Chairman BOND—my intent to speak relatively briefly on an opening statement and then yield to Senator WHITEHOUSE and give an opportunity for opponents of the amendment to speak because I think that will tell the Senators and staffs what this is about and perhaps generate more interest and more concern to follow, and then have additional debate at a later time on the remainder of our time.

At the outset, I compliment my distinguished colleague, Senator WHITEHOUSE, who is in his first term in the Senate. I thank him for the work he has done coordinately with me and others on this bill.

Senator WHITEHOUSE brings a very distinguished record to the U.S. Congress. He has served as U.S. attorney for Rhode Island. He served as Rhode Island's attorney general. And he has made quite a contribution to the Judiciary Committee on what is a very complex matter.

Madam President, I ask unanimous consent that Senator LEVIN and Senator CARDIN be added as cosponsors of the amendment.

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

Mr. SPECTER. The essence of the pending amendment is to substitute the U.S. Government as a party defendant for the telephone companies, instead of having the current provision which provides for retroactive immunity to the telephone companies. The bill under consideration would give those companies retroactive immunity and foreclose litigation which is now pending in some 40 cases.

This issue is at the heart of the balance of values between national security and constitutional rights. There is no doubt, at least on this state of the record—where we do not know all of the details as to what the telephone companies have been doing—but it is presumed, for purposes of this argument, and I think accurately so, that what the telephone companies are doing has produced very high-level intelligence for the U.S. Government.

There is no doubt of the importance of high-level intelligence in our fight against terrorism. We sustained 9/11. We fight a deadly enemy around the world—al-Qaida. We want to protect the United States and its people and others, so that high-level intelligence is very important.

At the same time, constitutional rights are very important. I believe the substitution which Senator WHITEHOUSE and I are proposing accomplishes the objective of a continuation of getting this very vital intelligence information for national security and, at the same time, protects constitutional rights.

The essence of the proposal is that the U.S. Government would step into the shoes of the telephone companies, have the same defenses, no more and no less. The Government could not assert governmental immunity because the telephone companies could not assert governmental immunity. The Government could assert the State Secrets Doctrine, just as the it has by intervening in the cases against the telephone companies.

I believe it is vital that the courts remain open. I say that because on our delicate constitutional balance of separation of powers, the Congress has been totally ineffective on oversight and on restraining the expansion of executive authority. But the courts have the capacity, the will, and the effectiveness to maintain a balance.

But we find that the President has asserted his constitutional authority under article II to disregard statutes, the law of the land passed by Congress and signed by the President.

I start with the Foreign Intelligence Surveillance Act, which provides that the only way to wiretap is to have a court order. The Executive Branch initiated the Terrorist Surveillance Program in flat violation of that statute. Now, the President argues that he has constitutional authority which supersedes the statute. And if he does, the statute cannot modify the Constitution. Only a constitutional amendment can. But that program, initiated in 2001, is still being litigated in the courts. So we do not know on the balancing test whether the Executive has the asserted constitutional authority.

But if you foreclose a judicial decision, the courts are cut off. Then the executive branch has violated the National Security Act of 1947, which mandates that the Intelligence Committees of both the House and the Senate be informed of matters like the Terrorist Surveillance Program. I served as chairman of the Judiciary Committee in the 109th Congress. The chairman and the ranking member, under protocol and practice, ought to be notified about a program like that. But I was surprised to read about it in the newspapers one day, on the final day of argument on the PATRIOT Act Re-authorization. It was a long time, with a lot of pressure—really to get the confirmation of General Hayden as CIA Director—before the executive branch finally complied with the statute to notify the full Intelligence Committees. Now, on the other hand, the courts have been effective—and I will amplify this at a later time because I want to yield soon to Senator WHITEHOUSE and give the opponents an opportunity to speak before 4:30. But in the Hamdan case, the Supreme Court held that the President does not have a blank check in the war on terror. Justices held that the President cannot establish military commissions unless Congress authorizes it. In Hamdi, the Supreme Court concluded due process required that a citizen held in the United States as an enemy combatant be given a meaningful opportunity to contest the factual basis for that contention. In Rasul v. Bush, the Supreme Court held that the Federal habeas corpus statute gave district courts jurisdiction to hear challenges by aliens held at Guantanamo Bay.

Well, this is not Pakistan, where President Musharraf can suspend the Supreme Court Justices and hold the Chief Justice under House arrest. This is America. The balance is maintained only because the courts are open. I believe it would be a major mistake to close the courts on pending litigation when the courts have provided the only effective way to check expanded executive authority, which we have seen in many lives. I will amplify those later, on matters such as signing statements.

But that is the essence of the argument. I am going to yield now to my distinguished colleague from Rhode Island because I think it is useful, as we move forward in the debate, to crystallize the issues. We know Senators and even staff don't pay a great deal of attention until the time for a vote is near, and when we see the essence of the two positions, I think we may create some more interest and have more people join this debate.

I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

Mr. WHITEHOUSE. Madam President, I thank the distinguished Senator from Pennsylvania. I consider it a great personal honor to join him in sponsoring this important amendment. He has served with great distinction as a prosecuting attorney for Philadelphia for many years and then has served in this Senate for 27 years with great distinction, making him the longest serving Senator in Pennsylvania's history.

He has chaired the Senate Judiciary Committee, and he has always shown great intelligence and independence. In addition to all that, I am the junior member of the Senate Judiciary Committee, and he also has shown exceptional courtesy and good will toward me, notwithstanding my junior status and notwithstanding my position on the other side of the aisle. So it is with considerable pride and also considerable affection that I join him in supporting this amendment.

We face, as Senator SPECTER said, the critical balance between freedom and security, which will always be difficult to maintain as long as a threat of terrorism looms. As we all know, one of the many difficult issues that balance presents to us is the question of whether to grant immunity to telecommunications carriers who may have assisted the Government in this surveillance program.

On the one hand, the administration has called for a blanket grant of immunity to these companies. On the other hand, others have proposed preserving the status quo. We are proposing a more sensible, practical, middle path that does less constitutional damage and still protects the essential equities involved.

The choice is to give immunity, to stop the litigation, to end the claims against the companies, and take away the plaintiffs' case against them, which is not fair. Nothing yet suggests this is not completely legitimate litigation. The courts who are considering it haven't thrown it out, it is in process right now, and it is not fair to the plaintiffs to up and take away their day in court. Moreover, there is a huge separation of powers problem of a legislature intruding into ongoing litigation, now before a judge, and taking away active claims. We would be taking away plaintiffs' rights and claims, taking away their due process without even providing for the basic judicial finding that the defendant companies acted reasonably and in good faith. That damage suggests that blanket immunity is not a great solution and, indeed, it may even be unconstitutional.

The other choice we have on the immunity question is to do nothing. But consider this: the Government has forbidden the telephone company defendants to defend themselves, claiming state secrets privilege. They have tied the companies' hands behind their backs in this litigation, muzzled them, forbidden them to offer any defense. In my view, that is also not fair, particularly if the Government put these companies into this mess in the first place. If the Government wants to forbid self-defense by these companies, the decent thing for the Government to do would be to step into the lawsuit, and defend on their behalf. The Government should not leave legitimate American companies in the judicial arena, bound and muzzled, unable to defend themselves, and not itself be willing to step in the ring and take over. So it strikes me that doing nothing is not a great solution either.

The solution that fits the problem we face is this Specter-Whitehouse amendment, and it has two very simple parts. One, a judicial determination, confidentially, in the FISA Court, whether these companies acted reasonably and in good faith. That is a very simple determination that can be made with a very small amount of testimony based in many respects simply on the record of what was provided to companies. Second, if they did act reasonably and in good faith, there is then a well-established procedure under rule 25 of the Federal Rules of Civil Procedure, rule 25(c) to be specific, that can substitute the Government for these companies in this litigation.

First, let me talk about the good-faith determination. I hope we can all agree that if the companies did not act reasonably and in good faith, they shouldn't get protection. I hope we can agree on that. We establish a simple procedure for the good-faith question to be answered by the FISA Court. We in Congress should not be the judges of that. We are not judges. Good faith is a judicial determination. This is ongoing litigation. The companies have, of course, asserted to us that they acted in good faith, but that is no basis for us to conclude that, and we surely should not rely on one side's assertion in making a decision of this importance. Most Senators have not even been read into the classified materials that would allow them to reach a fair conclusion. This body is literally incapable of forming a fair opinion without access by most Members to the facts. So we need to provide a fair mechanism for a finding of good faith by a proper judicial body with the proper provisions for secrecy, which the FISA Court has.

Second, substituting in the Government. Well, if it turns out the Government directed the companies to engage in conduct that broke the law, the Government is the proper authority. If the companies acted reasonably and in good faith but ended up somehow breaking the law because of what the Government directed them to do, the real actor is the Government. Lawyers in this body will understand this is analogous to a principal-agent relationship. The Government is in effect the principal, the company acting as directed is the Government's agent, and under principal-agency law, the principal is liable for the acts of the agent.

So the simple solution contained in this amendment follows the law, it is founded in the Federal Rules of Civil Procedure, and it fits the problem we face. Consider: No one has legitimate rights and due process summarily taken away. This is, after all, the United States of America.

Two, if the carriers acted reasonably and in good faith, the Government steps in for them. In fact, the carriers get a judgment in their favor dismissing them from the cases.

Third, no one is forbidden to defend themselves in ongoing litigation. No one is bound and muzzled but forced to stay in a judicial fight.

Fourth, there is no intrusion by Congress into ongoing adjudication, no separation of powers trespassed.

Finally, if the companies acted reasonably and in good faith at the direction of the Government but ended up breaking the law, the Government truly is the morally proper party to the case. So this is not just sensible, but it is right. I hope my colleagues will support this amendment.

I see time is a little short, but let me continue a little bit longer because I wish to expand a little bit on this concern that intrusion by Congress into ongoing adjudication presents a separation of powers problem. Let me go all the way back to why we set up the separation of powers in the first place. I quote U.S. Supreme Court Justice Scalia specifically who said:

> The sense of a sharp necessity to separate the legislative from the judicial power triumphed among the Framers of the new Constitution prompted by a crescendo of legislative interference with private judgments of the courts.

So the question of a legislature interfering with ongoing litigation was the live concern of the Founding Fathers when they separated the powers. In a case called the United States v. Klein, the U.S. Supreme Court threw out a congressional statute that purported to provide the rule of decision in a particular case, saying of this relationship between the legislative and judicial powers:

> It is of vital importance that the legislative and judicial powers be kept distinct. It is the intention of the Constitution that each of the great courts and departments of the government—the legislative, the executive, and the judicial—shall be in its sphere independent of the others.

So I urge my colleagues who are considering this to consider the sensible merits of this amendment, to consider this is the morally right way to go forward, and further, to consider that it reduces considerably the risk that if we go ahead and give these companies this immunity, the companies end up with a lawsuit, they end up with a case and a statute that is thrown out because it is unconstitutional, and in effect we create a snarl rather than a solution for them.

So with that said, I would again like to say how very much it means to me to be cosponsoring this amendment with the very distinguished Senator and former chairman of the Judiciary Committee, Senator SPECTER of Pennsylvania.

I thank the Chair and I yield the floor.

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

Mr. ROCKEFELLER. Madam President, I am reluctant to ask, but I must, how much time remains before 4:30?

The PRESIDING OFFICER. There is 2½ minutes before 4:30.

Mr. ROCKEFELLER. Wonderful.

Madam President, I simply rise to say I will oppose this amendment and I will oppose it strongly and I think for a series of very good reasons. But in spite of my eloquence and the ability to talk very quickly, I simply cannot do the task in 1½ minutes. So I ask unanimous consent to reserve my right to speak further at the appropriate time before the vote.

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

The Senator from Missouri is recognized.

Mr. BOND. Madam President, with the time so graciously allowed us by the proponents of this measure—and I know it was not intentional—I will only say a couple of quick things. No. 1, the courts are not precluded. The underlying bill, the bipartisan bill, permits lawsuits to go forward against the Government and the Government employees. No. 2, there was notification of the Big Eight—the ranking members and chairmen of the Intelligence Committees and the leaders—when this program was started. No. 3, article 2 does give the President the power to exercise foreign intelligence collections.

I would say to my colleague who has been on the Intelligence Committee, if he doesn't think Congress has been effective in overseeing programs, he has not seen the committee that is chaired by Senator ROCKEFELLER and on which I ride shotgun with him. The Judiciary Committee—if it was not advised, the Judiciary Committee's primary responsibility is not intelligence. That is the Intelligence Committee. We get the sensitive information. We spend a great deal of time. We have reviewed it. We believe it is a disaster for our intelligence collection to have substitution because we would see our most sensitive means of collection exposed. The private parties that might have participated would be put through tremendous economic and commercial harm and subjected potentially to harassment, and perhaps even terrorist attacks, for having worked with us.

Therefore, I strongly urge that our colleagues defeat amendment No. 3927, the Specter-Whitehouse substitution amendment.

Mr. KENNEDY. Madam President, the amendment that I have offered with Senators KERRY and MENENDEZ addresses a serious problem with the FISA bill that we are now considering, and I am very pleased that it has been incorporated into the bill by unanimous consent.

The amendment clarifies that under the new authority provided in this legislation, the Government may not intentionally acquire a communication when it knows ahead of time that the sender and all of the intended recipients are located in the United States. When the Government knows ahead of time that both the person making the call and the person receiving the call are located inside the United States, it will have to get a court order before it can listen in on that call. This is the way FISA has always worked, and my amendment makes sure that the law stays that way.

There is broad agreement that communications known ahead of time to be purely domestic should continue to be governed by the standard FISA rules. Indeed, the Bush administration has repeatedly stated that it does not intend to use the new authority granted under the Protect America Act or this legislation to acquire communications that are purely domestic, without obtaining a court order first. The administration acknowledges that when the Government knows that all the parties to a conversation are in the United States, a specific court order should be needed to intercept that conversation.

I haven't heard a single Member of Congress disagree with this point. But without this amendment, the FISA bill's new authority could be used to acquire purely domestic communications without a court order.

The bill requires the Government's ''targeting procedures'' to be designed ''to ensure that any acquisition . . . is limited to targeting persons reasonably believed to be located outside the United States.'' The problem arises because sometimes the ''target'' of the surveillance may be abroad, but the communications that the Government wants to acquire may occur entirely inside the United States, because the subject matter concerns the target who is abroad. The term ''target'' is not defined in FISA, but the legislative history states that the ''target'' is the person or entity ''about whom or from whom information is sought.'' That broad definition is capable of being interpreted to allow surveillance of people other than a ''target.''

For example, the Government might believe that two Americans in the United States—let's call them Tom and Mary—will discuss a third party who is located outside the country. Under this bill, that third party can be a group, not just an individual, and the Government can obtain a blanket warrant that allows it to spy on everything that group does in the future. Although the authors of the bill have stated this should not occur, the concern is that when Tom and Mary talk to each other, the Government might claim the third party is the ''target'' who provides the legal basis for the surveillance—with the practical result being that the Government could listen in on the conversation without making any showing to any court about Tom and Mary.

My amendment protects innocent Americans by clarifying that traditional FISA rules still govern for communications known to be occurring within the country. The Government could still spy on Tom and Mary—but it would have to obtain a warrant first, with the usual exception for emergencies.

According to the administration, the law already requires this. The administration has said flat out that it will not wiretap purely domestic communications without first obtaining a court order.

But these kinds of statements are no answer when Americans' basic liberties are at stake. ''Trust us'' is not enough.

FISA experts such as David Kris, a highly respected former lawyer at the Justice Department and the author of the leading treatise on FISA law, believe that the legislation is not clear right now. And if the law is unclear, there will be tremendous pressure on the intelligence community to apply it as aggressively as possible, because it is their duty to do everything they can within the boundaries of law.

As Mr. Kris recently stated, even though the Intelligence Committee bill prohibits the targeting of persons known to be in the United States, it ''does not, however, foreclose all surveillance of [purely] domestic communications . . . because surveillance can 'target' an international terrorist group located abroad, but still be directed at a domestic telephone number or other domestic communications facility.''

Mr. Kris has said that his ''principal concern about [this bill] . . . is that it resembles the Protect America Act in allowing surveillance of domestic communications'' without a warrant. This is a radical change to a FISA system that has protected Americans for three decades. If put to a vote, I have no doubt that Americans would reject it.

This concern can't be waved away by the administration telling us that it takes a different legal view. When one of the top FISA experts in the country says that the law is not clear, we should listen.

Promises about how the Government will interpret the law in the future are not enough. If we all agree about a specific policy goal—and everyone should agree that in purely domestic-to-domestic situations, the traditional FISA rules should apply—then we should be very clear about that goal in the legislation we write. Any FISA law that Congress passes may set the rules on surveillance for years to come, and different administrations may interpret ambiguous language in different ways.

My amendment makes clear that the traditional FISA rules apply when the Government knows ahead of time that the communication is purely domestic. The amendment does not add any substantive changes to the law; it adds clarity and certainly where now there is ambiguity and confusion.

Americans deserve to feel confident when they are talking with their friends, neighbors, and loved ones inside the United States that they will not be spied on without a warrant. Bringing clarity to this area of the law is good for Americans' liberties, and it is good for national security. I congratulate my colleagues for adopting this amendment.

RECOVERY REBATES AND ECONOMIC STIMULUS FOR THE AMERICAN PEOPLE ACT OF 2008

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

The assistant 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.

Pending:

Reid Amendment No. 3983, of a perfecting nature.

Reid amendment No. 3984 (to amendment No. 3983), to change the enactment date.

Motion to commit the bill to the Committee on Finance, with instructions to report back forthwith, with Reid amendment No. 3985.

Reid amendment No. 3986 (to the instructions of the Reid motion to commit), of a perfecting nature.

Reid amendment No. 3987 (to amendment No. 3986), of a perfecting nature.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. COBURN. Madam President, could the Chair explain the unanimous consent order under which we are operating?

The PRESIDING OFFICER. There is 45 minutes, evenly divided, to be followed by 30 minutes, evenly divided and controlled by the two leaders prior to a cloture vote.

Mr. COBURN. Madam President, I ask unanimous consent to be allotted 10 minutes to discuss the fiscal stimulus package.

The PRESIDING OFFICER. Is there objection?

Mr. BAUCUS. Reserving the right to object, I understand that the Senator's time will be charged to the Republican side.

Mr. COBURN. Absolutely.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. COBURN. Madam President, we have heard a lot in the press, and we have certainly heard a lot from our own Finance Committee, and we have seen what the House passed in terms of the stimulus package.

I think, once again, in our hurry to address a problem, we have not asked: Are we fixing the right problem, the problem in connection with the House leadership passing a bill that will spend $150 billion. One of the first questions we ought to ask is, Where is that money coming from, the $150 billion? Nobody can dispute the fact that we are going to borrow that from our grandchildren; we are going to go to the markets and borrow the money to stimulate our economy. Nobody will dispute the fact that there is very little payback into the Treasury, in terms of tax collections, from this stimulus plan.

The facts as they are, we had an overheated housing boom. We can deny economic reality, but until we mark the market—the overinflated cost that has extended credit in our country—and recognize that is going to have to be paid for, we are not going to walk out of this slowdown we appear to be facing. The reality is that the model is the Japanese banking industry: When they refused to recognize the losses, what it did was impact their economy for 10 years. So the realities are that there has to be an economic price when we have an economic excess. Our job should be to make that as easy on our economy as we can, thinking about the future of our economy.

Now, all the options that have been presented, when scored in the long term, have very little beneficial effect for the economy other than the psychology we are putting through. The reason it is important to discuss alternatives is because there is a way, which is proven in economics, proven in capitalistic societies, in free market societies, where you can generate stimulus and revenue back to the Government so that, in fact, you solve the right problem, the real problem, and you don't bankrupt your children further, which is what we are going to do whether we pass the House bill or the Senate bill. We are going to steal $150 billion or $190 billion from our grandchildren. I think we ought to think twice about that. Do we really, as senior citizens, want to steal $600, to $800, to $1,200 from our grandchildren for us today? Do we want to do that? Is there another way in which we can stimulate our economy without stealing from our kids and ultimately putting the money back in so that our children don't have to pay for this stimulus package? There is. There are a lot of economic theories and experience in this country that prove that.

So let's talk some about what we should be doing that we are not. Instead, we are pandering to people, thinking they are going to get $600 or $800, and we don't have any idea other than to think a third of that money might have a stimulus effect, but it will have a negative effect in terms of what our kids have to pay back.

One thing we can do is create certainty about economic decision-making. We can extend the Bush tax cuts. We can extend them so people will continue to make positive decisions based on a tax rate they know is there rather than one they know is going to go away in 2 years, which will limit their investment.

Second, we can lower corporate tax rates. We now have the second highest corporate tax rates in the world. That hasn't been part of any discussion. We know that when we lower corporate tax rates, we see increased investment, which increases the tax revenues for the country, and we also see economic growth. So there is a positive there, but it is not complete. There is a cost associated with that, but at least there is some feedback. But we have not considered that.

We have not reduced the capital gains tax rate on corporations—the people who invest great sums of money on the basis of the fact that if there is a capital gain, if we were to lower that, they might invest more or they might recognize the gain they have today, consequently, even generating taxes. We can index capital gains for inflation. That creates a stable investment environment whereby business decisions will invest in capital, create jobs, which create salaries, which create income, which create tax revenue.

We can markedly advance—much more so than we have done in this bill—depreciation schedules if we want to have an impact. We could go to full expensing for capital equipment forever. We don't have to stop it now. What that would do is create investment in capital goods in this country, which would create jobs, which would raise wages, which would create incomes, which would create tax revenues for the country.

There are other things we can do besides just send money out the door. We can establish a repatriation window for corporate taxes overseas. The best way to not ever have to deal with this again is to have a corporate tax rate equivalent to what is going on in the rest of the world—have one at 25 percent instead of 35 percent so that we, in fact, are competitive worldwide, so that corporations don't refuse to bring income they have earned overseas back to this country because we have an excessive tax on it, so they decide not to do that.

Finally, what we can do is make the Small Business Administration work. Seven years ago, the impact of Government regulation on small business was less than $4,000. It is $7,400 per employee. That is the impact of the Federal Government. That is not the taxes you pay, that is the impact of the regulations in terms of the cost impounded onto small business by the Federal Government.

I will end with talking about the budget that was just submitted by the administration. We are going to spend probably $150 billion or $190 billion, and we are not going to pay for it. We are not going to reduce any of the wasteful spending, including the inappropriate payments in Medicare, and there is another $40 billion in fraud. Medicaid has $30 billion worth of fraud and another $7 billion in improper payments. Food stamps has $6 billion worth of improper payments, not counting the fraud.

There is nothing associated with fixing what is wrong with the Government so that the American people get value from it. We are going to throw money at a problem rather than secure the future for our children and grandchildren. We can do better. We ought to do better. We should not say we are just going to throw money at the problem.

Let's make long-term structural changes in the Tax Code that raise the opportunity for our children rather than lower it by putting debt on their shoulders. Let's make the long-term changes and tough choices of eliminating programs that aren't working

effectively, or let's refine programs that are wasteful, not efficient, and loaded with fraud. Let's eliminate the wasteful programs that account for $150 billion of money spent each year. Let's get rid of the $30 billion in waste at the Pentagon. Let's get rid of the $3 billion we spend every year maintaining buildings the Pentagon doesn't want. We don't have a way to get rid of them, but we don't have the courage to change the law.

There are all kinds of ways to save a couple hundred billion dollars a year, but it means you have to ruffle some feathers. It is time we do that and do the hard work, rather than the easy work.

Thank you for the opportunity to speak in terms of what I think is a long-term way to resolve this economic trough we appear to be facing. I am not confident we are going to do it the right way. I think we are going to do it the politically expedient way, which helps people get reelected but doesn't fix the real problem. To me, to my regret, that is a sad misnomer for this body.

I yield the floor.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BAUCUS. Madam President, the book of Leviticus teaches: ''Rise in the presence of the aged, show respect for the elderly, and revere your God.''

Today, the Senate can show respect for America's elderly. Today, the Senate can extend needed stimulus checks to 20 million seniors whom the House left behind.

America's seniors have earned the right to get stimulus checks, every bit as much as other Americans. They worked hard all their lives. They paid a lifetime of taxes. They contribute to the economy.

And seniors can use the money. And because they can use the money, seniors are excellent targets for economic stimulus checks. Because they can use the money, they will spend it quickly.

Americans over age 65 spend 92 percent of their incomes. Households headed by a person over age 75 spend 98 percent. That is higher than any other group over the age of 25. And that means that a check sent to a senior will have a greater bang for the buck in terms of helping the economy.

The Finance Committee amendment would help 20 million seniors who were left out of the House bill. The Finance Committee amendment would provide seniors with rebate checks of $500. The underlying House bill would not help those 20 million seniors.

And the Finance Committee amendment would also provide rebate checks for 250,000 disabled veterans who receive at least $3,000 in nontaxable disability compensation. The Finance Committee amendment would make them eligible to receive the same $500 rebate as wage earners and Social Security recipients. The Veterans Administration would distribute the rebate. The House bill would not provide rebate checks to disabled veterans who don't pay taxes.

And the Finance Committee amendment would provide an additional 13 weeks of unemployment insurance. And high unemployment states would qualify for an extra 13 weeks. The House bill does not provide an extension of unemployment insurance.

Almost a million more Americans are unemployed today than were a year ago. And 69,000 additional unemployed workers filed claims for unemployment insurance just last week.

CBO found unemployment insurance to have a big bang-for-the-buck. It acts quickly to boost the economy.

I heard my friend from Oklahoma. Frankly, all of the big ideas and great ideas are ideas we cannot address at this point. We have to act now, immediately. The President wants us to act now with the stimulus package. The House wants us to act now. We in the Senate have to act now; that is, we have to get some rebate checks out to the American people so they can spend those checks, those dollars, and prime the economy.

The Chairman of the Federal Reserve System has done his part by lowering interest rates to help keep our economy from going into recession, to help keep our economy from falling into high unemployment rates, because we are facing a time of slow growth, primarily due to the problems in the housing markets, the subprime problems, which cascade into securitized loans and which, frankly, were peddled in a way that caused a lot of investors in our country to not know, frankly, what they were investing in.

The Chairman of the Federal Reserve System, Mr. Bernanke, also wants this package now. He knows what he is talking about because he is, after all, probably the best economist in this country at the moment. The Chairman of the Federal Reserve System is saying that, in addition to lowering rates, we should have the stimulus package passed.

We on the Senate Finance Committee did improve upon the House-passed bill. We decided not to replace it but improve upon it, so that any changes we make can be easily folded into the House-passed bill, and get the final product on the President's desk very quickly. Nobody wants to hold up the stimulus checks or hold up stimulating the economy. So I am quite confident we will get this resolved quickly, with improvements.

The research organization economy.com found that each dollar spent on extended unemployment insurance benefits generates $1.64 in increased economic activity.

Don't forget, we passed a bipartisan stimulus bill after 9/11, and that contained an extension of unemployment insurance. The President signed that bill. We should do the same now.

Further, we are adding a provision—it sounds technical, but it is simple—that would extend the carryback period for net operating losses for companies from 2 years to 5 years. Very simply, the bonus depreciation and expensing provisions help companies that make a profit—many companies during this low economic growth time are not making money—it seems fair they be included in the stimulus package, and that is why it is very important that provision be enacted.

This provision will help the housing industry, especially homebuilders, from going belly up. There were a lot of loans made that should not have been made. The more we can show to the American people that we are thinking about them, that we are trying to add a stimulus to the Nation's economy, the better, including showing to the housing industry that by making a change in the tax laws they can carry back current losses to earlier profitable years so they can make payrolls and not have to go belly up.

I might add, we also in the Senate Finance Committee package—the House does not do this—tighten up provisions that make it extremely difficult for illegal aliens to get these rebate checks. That is very important. It is not in the House bill. We have that provision in the Senate bill.

Finally, this is clearly the right thing to do. It is clearly right that 20 million seniors and about 250,000 disabled veterans be included in the rebate check program. We do that in our bill. There are some other provisions, but that is the core of what we are doing here.

Clearly, the House will accept these changes, there is no doubt about that. The President can sign it, and we can get this rebate program up and going. We can get it passed very quickly.

I yield to the Senator from New Mexico, Mr. DOMENICI, for 6 minutes.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Madam President, I rise to outline my reasons for supporting the Senate Finance Committee stimulus package.

I have reviewed various proposals carefully. Clearly, the House-passed package is simply unacceptable. I predict that the House would not pass that bill again now that its flaws have been revealed. By denying rebates to Social Security recipients and veterans, yet giving it to illegal immigrants, the House has produced something most Americans would reject.

I understand that in the rush to produce the package, the House may not have completely vetted each and every provision. So when I say it is simply unacceptable, I believe the way I have outlined what probably happened is true. They did a terrific job in a short period of time. It is just that the product, unfortunately, had to go somewhere else, it had to come here, and in coming here the good staff and others had to look at it in its entirety again, and they found what I described and the chairman of the full committee described.

I say to the chairman of the full committee, I am not on this committee, but I follow it, and I know what is in the final package.

Yesterday, the Institute for Supply Management reported that business activity in the nonmanufacturing sector of our economy contracted. That is the part of the economy that has been holding everything together. It had not been contracting; now it has. The level of that key indicator is now at its lowest level since 2001. Right after the terrorist attacks of September 11, the stock market dropped 370 points and investors continued to move into ultrasafe areas, such as Government bonds.

Last week and earlier this week, we had more information about a devastated housing industry and the announcement of bankruptcy of a major home building firm. Last Friday, the Government reported that the Nation suffered a decline in job creation for the first time in 4 years.

In short, we clearly face the possibility of a recession. Worse, this recession may dovetail with the present near freeze in credit markets. And when that happens, none of us knows how these two things may interact and what it may bring to us.

A prudent person would do as the House has done and has been proposed by the Senate and pass a stimulus package that will get money into the economy as soon as possible and will target particular sectors especially hard hit.

The question isn't whether we should have a stimulus package. The question is, which do we prefer? The first thing to look at is the cost. The Senate Finance Committee package, as amended, will cost $158 billion. The House-passed package was $146 billion. In a $14 trillion economy, a difference of $12 billion is insignificant, almost a rounding error in an economy clearly the size we have. Both packages cost about the same.

Second, it seems to this Senator that speed is the important ingredient. Therefore, if we invoke cloture on the Senate Finance Committee package before us, we can move quickly and move toward a Senate-passed package.

Third, I believe the Senate Finance Committee bill spreads the rebates, including veterans and Social Security recipients, and making sure no illegal immigrants receive the rebates.

Fourth, the committee recommendations will give a strong boost to housing and home building through its net operating loss provisions. We cannot ignore the weight that the collapsing housing market and home building sector have had on our economy and loss of jobs.

It used to be common knowledge that you would not have a robust American economy without a robust home building sector accompanying it. That may still be true. We have had a robust housing economy until now.

Finally, I believe the passing of the energy tax provisions in this Senate Finance Committee proposal as soon as possible is important. We can pass the provisions by invoking cloture, not waiting until later in the year to try to pass them on a different vehicle.

I have concluded that I will support cloture on the Senate Finance Committee proposal, recognizing that a conference with the House is likely and that both Chambers will be able to fine-tune the ultimate package and get it quickly to the President. I hope that is the case. The House had its turn. We will now have our turn. Then there will be a conference which will have to be called in any event, but they will now be operating under the gun, meaning getting something done quickly or they will lose all credibility.

I am hopeful I have chosen the right path. I know it is a difficult one for many who think I should do otherwise. I respect all of them, but I made my decision on what is best for New Mexico and what is best for America as I see it.

I thank the chairman for yielding me time. I yield the floor.

Mr. BAUCUS. Madam President, I commend and thank the Senator from New Mexico. He is making a courageous decision. More often than not, when somebody makes a courageous decision, it clearly is the right thing to do. It is easy to not make the courageous decision. Sometimes it is hard to make a courageous decision. He is making a courageous decision. I thank him and I know the people of New Mexico are proud of him for standing up and doing what he is doing.

The Senator from Arizona seeks recognition.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Madam President, first, let me say that one of the points made by my dear friend from New Mexico is backward. We need to deal with this issue in a speedy fashion. There is one point that unites everybody with regard to this stimulus package: If it is not done quickly, its stimulative effect diminishes effectively, and there is a point at which it will not have the stimulative effect people would like. Therefore, speed is of the essence.

One of the points about the Finance Committee package is, of course, if it were to pass, we would have to go to a conference committee between the House and the Senate which would obviously delay this process. I don't know how long it will take to get to conference or how long a conference committee will take, but it could be a lengthy process taking us beyond the February recess which means that, clearly, we will be talking about weeks to get this bill to the President.

Were we, on the other hand, to follow Leader MCCONNELL's advice and reject the Senate Finance Committee package and move to a modified version of the House-passed bill, we could get that to the House which could pass it, send it on to the President, and be done with it. That can all happen, frankly, by the end of this week.

In terms of the issue of speed, it would behoove us to reject what has been called the Christmas tree package out of the Senate Finance Committee which substantially raises costs, spends more money, is much more complicated than it would be to take up the House-passed bill which can be done more quickly.

I don't mean to be pejorative when I talk about a Christmas tree, but that is pundits talk about a bill that starts out relatively small, but because Members have favorite adds to make to it, which is another favorite pundit phrase, things we like to add to the bill, we end up with a bill that started out small but ends up looking like a tree with a lot of ornaments on it.

Remember when Speaker PELOSI and Leader BOEHNER and the President struck the agreement they did that passed the House with 38 negative votes, there was a recognition this needed to be done quickly and cleanly.

There were just three working parts to this legislation. Members of the House had a lot of other great ideas. There are a lot of other items they would have wanted to put on it, but their leaders convinced them to get bipartisan support. It was very important to keep the package trimmed down to the point where Secretary Paulson believed it would actually benefit the economy and not add extraneous spending and elements.

What happened when the bill came to the Senate Finance Committee on which I sit? I haven't added it up, but some have said there is $40 billion in additional costs, in additional spending, and I will talk for a moment about some of that spending. Those who are concerned about adding to the deficit need to be concerned about the additional cost of this bill. Some of that spending has to do with some tax credits for various kinds of businesses that have no stimulative effect whatsoever and are being done to either please certain legislators or to find a vehicle for something.

For example, there is something like $100 million that is owed to some coal companies in the United States. They have not been able to find a legislative vehicle to get the money appropriated so they can be paid their $100 million. So this was thought to be perhaps the right kind of vehicle to do it on.

Apparently they are owed $100 million and we need to send it to the coal companies, but that has nothing to do with stimulating the economy. It is payment for a past debt for a court case. But one of the Members wanted it in this bill and, as a result, it got put in the bill. That is not a stimulus package for the American people.

Then there was a group of tax breaks. What are some of the tax breaks for businesses? One is a tax break so we can build more efficient homes. One of our problems in our economy is we have a glut of housing on the market right now. So we are going to make a tax break so folks can build more

homes to put on the market to add to those that already exist, as well as commercial buildings.

There has been a lot of talk about the rich getting too much in this package. One of the tax breaks is to remove the income limit for people who can now, under the Finance Committee bill, take a tax break for investments they have made in marginal oil and gas wells. Maybe that is a good idea. I don't know. But it clearly has no place on a stimulus package.

My point is that the Finance Committee did a variety of things which Members wanted done. They may or may not represent good policy, but they have nothing to do with the stimulus and simply add costs to this bill. Remember, this is all borrowed money. So it takes us further into a deficit situation.

One of our colleagues on the committee pointed out that these energy tax breaks actually are part of a larger bill, which I support, called the extenders package and, indeed, that is true. What is the extenders package? The extenders package is a package of legislation that each year we pass without question to ensure that various kinds of tax provisions remain in the Tax Code, such as the research and development tax credit and a variety of provisions such as that. I asked for unanimous consent to offer that in committee and it was rejected. We do know, however, for a certainty, that is going to pass this Congress. So these energy provisions, even to the extent people want them, are going to become law, but they don't have to be put in the stimulus package to drag it down.

The other big expense added in the Finance Committee was the extension of unemployment. The Secretary of the Treasury and other people in the administration will tell you, in their view, this stimulus package could add anywhere from a half percent to three-quarters of a percent of growth to the GDP, if it is done very quickly and very cleanly. However, adding the unemployment extension, $30 billion or so to it, would eliminate the effect of a stimulus that otherwise would be provided. So the irony is that by adding the unemployment compensation extension provision here, we actually remove whatever stimulative effect there is in the bill, and we are right back to a bill that ends up, as I said, looking like a Christmas tree.

Right now, unemployment nationwide is 4.7 percent. We have never extended unemployment benefits when unemployment was at that low a level. It has always been in the neighborhood of 6 percent or above, maybe a little below that, that has caused us to extend unemployment benefits. So there may well come a time, if we can't get the economy moving in the way we want it to, that there would continue to be stress in the employment sector and people might actually begin losing more jobs, in which case we might have to extend it. But the best way to prevent that from happening is to do sensible policy in the meantime to try to obviate that situation. And the Secretary of the Treasury and the President and the House of Representatives clearly believe the best way to do that would be to pass the stimulus package that doesn't have this additional $30 billion in unemployment extension added to it.

The final point I wish to make is that there is some concern that there are politically popular things in the Finance Committee package and it is hard to vote against those politically popular things. I think the Senator from Montana made a good point a moment ago in reference to a different matter, that when you do something as a matter of conscience, and it is hard to do, usually it represents good policy. This is a case where the House of Representatives was willing, on a bipartisan basis, under the leadership of Speaker PELOSI and Leader BOEHNER, to put together a package, with the administration, in the kind of bipartisanship our constituents would like to have us engage in more often, in order to pass a bill quickly, that could be sent to the President quickly, and they did that even though I am sure many of them were tempted to add all kinds of other politically popular things to it. Now the attention turns to the Senate, and are we acquitting ourselves as well? I daresay not, if this Christmas tree package from the Finance Committee is adopted on the Senate floor. Instead, our constituents will look at us as the folks who slowed it down; we added a bunch of spending to it.

The American people are already skeptical that getting a $500 or $700 rebate check is going to help stimulate the economy. But clearly they are going to look at the additional spending, the increased hit to the deficit, and wonder whether we were simply acting in a political way rather than in a way best for the country.

So my view is we would be far better served to do what is the best policy, and that is to reject the Senate Finance Committee package as too much, more than the traffic can bear in this case, and to go back to the version of the House of Representatives, which would be modified ever so slightly, to send it back to the House to immediately pass it and on to the President and get this done.

My personal view is the kind of spending that is involved in the Finance Committee package will actually act to the detriment, not to the benefit, of stimulating the economy, and that is why it should be rejected.

In a few moments, we are going to have a chance to vote on this, and I hope my colleagues will vote no on the motion for cloture to bring up the Finance Committee-passed package of the stimulus bill.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Madam President, I have a number of Senators seeking recognition.

I yield 2 minutes to the Senator from Arkansas, Ms. Lincoln; 2 minutes to the Senator from Ohio, Mr. BROWN; 2 minutes to the Senator from North Dakota, Mr. DORGAN; and 2 minutes to the Senator from Minnesota, Ms. KLOBUCHAR.

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

Mr. BAUCUS. Madam President, I yield to the Senator from Arkansas.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mrs. LINCOLN. Madam President, a special thanks to the chairman for all his hard work.

As we look across this great Nation, we all understand our economy needs some help, and that is why the Senate Finance Committee quickly took up the economic stimulus package which the House and the administration had put out there. I have to give an incredible compliment to our chairman and ranking member, Chairman BAUCUS and Senator GRASSLEY, who went about this in such a thoughtful way, making sure there was no pride of authorship but recognizing what we had to do was to improve on this bill, to improve on what the House had done in such a hurried fashion, in order to be sure we didn't leave people out. This is very thoughtful with respect to the economy and the long-term debt issues out there, to keep a package that was small and reasonable, yet was comprehensive for the task that it had.

The package Speaker PELOSI and President Bush put together was a good start, but, unfortunately, there were some very important changes that needed to be made, and most notably some very hard-working and deserving Americans were disqualified from the stimulus rebate under their proposal: our seniors living on Social Security income and our disabled veterans. Why in the world would we want to leave behind this group of such important Americans—fabrics of our American family, people whose backs this country was built on and protected by—20 million seniors and at least a quarter of a million veterans who we know should qualify? The fact that there are disabled veterans who might qualify for that rebate is certainly reason enough to make sure we go back and get it right. I have no idea why the other side would not want to do that.

This is not the only thing we intend to do to stimulate the economy, but it is the jolt we need. The Senator from Oklahoma was worried it was the only thing. No. No one thinks this is the only thing we are going to do. We are going to follow with a farm bill, which will put an immediate stimulus into our rural areas. We will be looking at the energy tax package and a host of others—No Child Left Behind, which has been underfunded a tremendous amount.

The Senate Finance Committee took action quickly to address the inequities of the Pelosi-Bush package, and I am glad they did. The chairman and

ranking member did an excellent job, and I hope my colleagues will recognize we have a one-time shot at making sure the Americans understand what it is we are doing: stimulating and jolting the economy and making it fair.

The PRESIDING OFFICER (Mr. SALAZAR). The Senator's time has expired.

The Senator from Ohio.

Mr. BROWN. Mr. President, I appreciate the words of the Senator from Arkansas. They are good words.

We have an opportunity to both jump-start our economy and solve the problems staring us right in the face. It is the difference between investing in our Nation's economy and investing wisely in our Nation's economy. Of course, we should invest wisely.

We have an opportunity to put money into the pockets of almost every American or just some Americans. We can exclude retirees, we can exclude disabled veterans, or we can include them. Obviously, we should include them.

The Reid amendment incorporated in the Finance Committee proposal sends rebates to the homes of 21 million senior citizens, 250,000 disabled veterans, and thousands of unemployed who don't get a dime in the House bill.

Now, some decided they wanted to label this bill a Christmas tree. It is always what you do if you don't like the provisions in something. Anyone who thinks it is Christmas morning in these households is sadly mistaken.

The Reid amendment is inclusive and sends money to individuals who will spend it. In a stimulus package, you stimulate the economy, and in times of recession you help those who have been hardest hit by the recession. It is smart and it is right.

The Finance Committee package provides extended unemployment benefits for those who are looking for jobs in a sluggish economy. Thousands of Ohioans lost their jobs not because they wanted to, but they have lost their jobs and they are looking for some help as they try to return to the workforce. Economists have confirmed that is the most potent strategy for stimulating the economy. You put money into the economy to stimulate the economy, you particularly put money into the pockets of those who will spend it—disabled veterans, senior citizens, and unemployed workers who need extended benefits. It makes sense and it is the right thing to do.

I thank the Chair.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, we are required from time to time to make tough votes in the Senate, but this isn't one of them. This is not a tough vote. The question is, Shall we try to stimulate the economy? The answer, clearly, is yes. I think most people feel we should do that.

So then, if we are going to give a rebate, some kind of rebate to people who should get the rebate, perhaps we should think of it in terms of a family sitting around a supper table and they are talking about who is going to get this rebate. So somebody says: Well, you know what, let's make sure grandpa and grandma don't get it. Let's not give grandpa and grandma a rebate. They don't need to be in it. And by the way, Uncle Carl is unemployed. He doesn't need it. He ought not get a rebate. Or Cousin Ralph, he is a disabled veteran. He is not going to need a rebate.

Do you think any family sitting around a supper table would make those choices; that they are going to throw grandpa and grandma off the train and the disabled veteran who served this country and put his life on the line?

So here is the deal. We are told by some: Well, you know, they haven't earned income, so, therefore, they are not going to qualify for this rebate. Oh, really? You haven't earned your Social Security check? Seems to me that is a lifetime of earning. You didn't earn your disability payment? You earned it by putting your life on the line for this country.

So let's include the 20 million people who are senior citizens, many of whom live near poverty trying to stretch their reasonable income—in many cases a very small income—through the month to pay for both food and medicine. Let's include senior citizens, let's include veterans who are being paid veterans disability, who otherwise would not be included.

And let's do what we have always done during economic downturns: Let's extend unemployment benefits. That is the economic stabilizer we have always used. Let's do the right thing and vote for the finance bill and move it into conference. Let's do that now.

This is not a tough vote. We know what the right thing is.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Ms. KLOBUCHAR. Mr. President, for 8 years, I served as the chief prosecutor for Minnesota's largest county, and we had something we said when we were working on white-collar cases. We said: Follow the money. Follow the money. Is it going where it is needed? That is what I ask today. I would say with the Senate finance package it is.

I hope that as Congress works on this package, we will work to redirect the money to new priorities for America. At the same time, the urgent need for America to get our economy moving forward again is deep and it is long. I saw it last month, when I was touring around our State, visiting 47 counties, visiting solar panel factories down in southern Minnesota, up at a turkey processing plant, and I can tell you people want to move forward with this economy, but they feel our Government has not been supporting them. That is why we put together the Senate stimulus package, which is targeted, which is temporary, and which is going to be timely.

I know we are all going to get this done, but I believe it is very important we not neglect the seniors, 600,000 seniors in Minnesota. I have always believed this is a country where we wrap our arms around the people who have been there for us—our seniors and disabled veterans. When these guys signed up for war, there wasn't a waiting line. Why would we put them at the end of the line when we are looking at these rebate checks?

So I believe it is important we move forward with the Senate finance package, which does some very good things, as the Presiding Officer knows, for the State of Colorado, to promote energy—renewable energy, and wind and solar—and I wish to move forward with it. But I believe that long after these rebate checks are cashed, we are going to have to change it for the long term. This means rolling back those tax cuts for the wealthiest people, making over $200,000 a year, investing in our infrastructure, and moving this country in the right direction.

I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, let us remember that the stimulus package we are considering is a plan agreed to by the Democratic Speaker of the House, the Republican leader of the House, the President of the United States, and about 400 Members of the House. It is one that is timely, targeted, and temporary which will help people keep more of their own money and help small businesses to have more money to create jobs.

What began as a package to stimulate the economy in the House of Representatives has become an excuse for spending money in the Senate. That is why I hope we will reject the Senate Finance Committee proposal. It is too expensive, spends too much money, and it doesn't stimulate. The goal should be to move quickly, to show the American people we can act in a bipartisan way and get a good result that is to their benefit. The Finance Committee proposal does not do that.

I spoke with Senator MCCONNELL, who suggests we simply amend the House bill by adding the seniors and the disabled veterans and send it back, send it to the President, and show the American people we can move promptly to give a boost to the economy.

I thank the Chair, and I yield the floor.

Mr. KENNEDY. Mr. President, I commend Senator REID and Senator BAUCUS for their leadership in getting stimulus legislation to the floor so quickly. It is not a moment too soon. In recent weeks, the many warning signs of a troubled economy have turned into loud alarm bells that we cannot ignore.

Last week's worrisome GDP figures show that economic growth has ground to a near halt. Savings are plummeting. Debt is rising. The Fed has cut short-term interest rates more rapidly

than at any time in its history. For the first time in years, we are losing more jobs than we are producing. It is clear that we are facing an economic crisis that will present enormous challenges in the months and years ahead.

This crisis will affect every man, woman, and child in our country, but it will be particularly hard on the millions of families who are already struggling who are having trouble finding work, heating their homes, and paying the mortgage. For these families, a recession isn't just part of the business cycle—it's a life-altering event from which they may never recover.

Already far too many families are on the brink. Unemployment has skyrocketed more than 7.6 million Americans are looking for work but can't find a job. Foreclosures are rising 200,000 families each month are at risk of losing their homes. Bankruptcies soared by 40 percent last year, and experts predict they will rise even faster in 2008.

Our actions today are vital for the entire economy, but they are most critical for these struggling families. Our decisions will help determine whether they keep their homes, whether their teenagers stay in college, and whether their children go to bed hungry.

The current recession is a major turning point for our country. We have to choose a path out of this crisis, and the path we choose will determine the kind of America we will be for years to come. Do we choose to help some, or do we choose to help all? Do we choose a path of shared prosperity, or a path that leaves countless hardworking families behind?

These are questions of basic fairness, and the American people understand fairness. They don't want to see their friends and neighbors who are struggling get left behind. They want us to do what is right for all.

Today we have the opportunity to take a few basic steps forward to demonstrate our commitment to a fair economy.

First, we have to tackle unemployment. It is clear that no matter what we do to boost economic activity, we will continue to have a significant unemployment problem for at least the next 2 years. Goldman Sachs predicts that the national unemployment rate will rise to 6.5 percent by the end of 2009. Many States around the country are already struggling with high unemployment. Michigan's unemployment rate is 7.6 percent. South Carolina's is 6.6 percent. Ohio just hit the 6 percent mark as well.

Workers who lose their jobs are having much more trouble finding work now than before the last recession. Today, 18 percent of workers have been looking for a job for more than 26 weeks, compared to only 11 percent in 2001. This problem is affecting workers across the economic spectrum even those with college educations and years of experience can't find work. There are nearly two unemployed workers for every job opening across the country.

Because it is becoming much harder to find a job, many more families are finding that our unemployment insurance system doesn't provide enough support. Across the country, 37 percent of workers are running out of benefits before finding a job, and more will follow as the recession deepens. Mr. President, 2.6 million people ran out of benefits in the year ending in October of 2007 that is far more than before the last recession.

These shocking numbers represent real hardship for millions of hardworking people across the country. It is all too easy for a job loss to turn into a financial crisis, and many families never fully recover. In the last recession we saw the real impact of unemployment on working families parents cutting back on spending for their children, or even pulling older children out of college to cut back on expenses. We saw teenagers who should be in school forced to take jobs to help support their families.

To prevent this downward spiral, we must act immediately to shore up the safety net for families struggling to find work. These workers have paid into the system for years. It is wrong to abandon them when they need our help the most.

The Senate bill is a major step forward. By extending unemployment benefits for up to 13 weeks, and providing as much as 13 additional weeks of benefits in high-unemployment States, we provide an immediate boost for our economy. And, at the same time, we help working families weather the storm.

Economists agree that extending unemployment benefits is a powerful, cost-effective way to stimulate the economy. Every dollar invested in benefits to out-of-work Americans leads to a $1.64 increase in growth. That compares with only pennies on the dollar for cuts in income tax rates or cuts in taxes on investments.

I hope that all of my colleagues will join me in supporting an extension of unemployment insurance benefits. It's an essential solution that will jumpstart our economy and help families in crisis get back on track.

Unfortunately, jobless families are not the only ones facing tough times. Millions of families today are facing a ''perfect storm'' of high costs and low wages. Every bill that comes in the mail just adds to the flood, until everyone ends up completely overwhelmed.

Working families are being swamped by the extraordinary increase in the cost of living. On President Bush's watch, the price of gas is up 73 percent. Health insurance costs are up 38 percent. College tuition costs are up 43 percent. Housing costs are up 39 percent. Yet in the face of these skyrocketing costs, employees' wages have been virtually stagnant, rising only 5 percent. Family budgets can no longer make ends meet, and families across the country are feeling the painful squeeze.

In the face of these economic pressures, workers are struggling to keep their families warm. The winter has been bitterly cold in many parts of the country, and the cost of heating oil is rising so rapidly that it is impossible to keep up. Since last year alone, the price of a gallon of heating oil has increased by more than 40 percent. A typical household may have to spend $3,000 or more on heating oil this winter.

Our Senate HELP Committee held a field hearing on fuel assistance in Boston last month. One of our witnesses was Margaret Gilliam, a senior citizen taking care of her grandchildren in Dorchester. She has already spent $4,000 on heating oil this winter, which is nearly as much as she spent all last year, and there are still 6 or more weeks of winter to go.

She told us that she tries to make each Social Security check stretch by asking her fuel company to deliver just 50 gallons at a time, because she can't afford to pay to fill her tank. Most often, heating oil companies will not deliver less than 100 gallons.

Even for those fortunate enough to have fuel assistance under LIHEAP, the benefits will cover less than a third of these costs. Most households won't get any help at all—of the 35 million households eligible for fuel assistance nationwide, fewer than 6 million receive these benefits.

The high cost of basic essentials forces families to make impossible choices between paying for fuel, paying for groceries, paying for health care, or paying their mortgage. If parents choose to keep their children warm and fed, they risk losing their home. The lack of even a small amount of assistance—just an extra 100 or 200 gallons of fuel oil—can mean the difference between security and homelessness.

There are simple steps we can take to end this ''perfect storm.'' One of the most important is the provision in the Senate bill providing additional home heating assistance for families struggling to stay warm this winter. Mr. President, $1 billion in additional LIHEAP funding will help 2.8 million families pay their heating costs and make it through the winter. Helping families meet this basic need is also one of the quickest ways to jumpstart the economy. An increase in LIHEAP benefits takes as little as 2 weeks to get to the pockets of working families.

This year, we provided a significant increase for LIHEAP. But it is far from enough and we still have a long way to go to get to the program's authorized level of $5.1 billion.

It has been said that some people know the price of everything but the value of nothing. How else can you explain the administration's latest budget request which cuts the program by 22 percent?

LIHEAP represents a tiny fraction of 1 percent of the entire Federal budget.

Yet it does so much for those most in need.

Programs like LIHEAP are the best economic stimulus money can buy. But even if they werem not, we would still have an obligation to support them—simply because it is the right thing to do.

Finally, there is widespread agreement that we need to put money into workers' pockets to encourage consumer spending that will boost our declining economy. The Senate bill includes a tax rebate to do just that.

In order to create an effective stimulus, any tax cut must be designed to give the money to those who are most likely to spend it immediately—middle and low income families who are strapped for cash because of these dramatically higher costs.

These families are the ones who need the help the most, and the dollars they receive from a one-time tax cut will be quickly spent. The money will be used to buy things they need but currently cannot afford. In contrast, wealthier taxpayers already have the money to purchase what they need. A tax rebate for them is much more likely to be deposited in their saving accounts than spent. Unless the tax cut is spent, there will be no increase in economic activity generated.

That is precisely what the rebate proposal in the Senate bill will do—provide direct assistance to the millions of working families who are feeling the squeeze of this economic downturn the most. They work the hardest, and they deserve our help. They are also the ones who will spend the money most quickly, for necessities they otherwise couldn't afford.

The Senate package also includes needed relief for seniors and disabled veterans. Both of these populations live on fixed incomes. Rising prices means a choice between buying food or needed medication. These Americans have sacrificed so much and worked so hard to build up our country, and they deserve our best efforts to help them weather the storm.

In all of these respects, the Senate bill makes major improvements over the measure passed in the House of Representatives. It is fairer, and it produces a greater stimulus effect by paying low and moderate income workers the same size tax rebate that more affluent taxpayers would receive. It also extends the tax rebate to include 20 million retirees struggling to make ends meet. The Senate bill will provide 14 billion more dollars in tax cuts to households with incomes below $40,000. That is the best way to get the American economy moving again.

There is no question that every family in America is struggling in today's economy, and that they face difficult times ahead. But today we have a choice about how to move forward. Do we do what it easy, or do we do what is right? Do we go part way or do we do what it takes to add dignity to the lives of all of America's working families?

I hope that each and every one of my colleagues will listen to their conscience, do the right thing, and support the kind of stimulus that will help all Americans achieve better days ahead.

Mr. KERRY. Mr. President, first I would like to thank Senate Finance Committee Chairman BAUCUS and Ranking Member GRASSLEY for their prompt action in developing this economic stimulus package. Last week, the House passed an economic stimulus package. Although it was not perfect, it did provide us with a solid foundation from which to build a comprehensive bill in the Senate. I believe the Finance Committee proposal that is before us today makes a number of crucial improvements to the House version. For that reason, I urge my colleagues to vote to invoke cloture on the Finance Committee economic stimulus package.

The Finance Committee package was designed in a bipartisan manner to improve upon the House bill, not to add ''pet projects'' or so-called ''goodies.'' Our goal is not to delay the passage of an economic stimulus bill, but to provide a package that will provide a genuine stimulus that is targeted to Americans who need our help the most. According to the Center on Budget and Policy Priorities, the Senate package would not delay, but accelerate the delivery of a stimulus.

The Finance Committee makes improvements in the following areas: structure of the rebate; business tax incentives; housing; unemployment insurance; and funding for LIHEAP. Low-income families should not receive a smaller rebate just because they do not have taxable income. These families need our help and economists that testified before the Committee have pointed out the potential for this investment to truly aid in kick-starting the economy. The Finance Committee will provide a $500 rebate to all eligible singles and $1,000 to married couples.

The Senate Finance rebate is structured in a manner which will allow senior citizens receiving Social Security benefits without taxable income to be eligible for the rebate. Senior citizens are facing the same increases in food and energy prices as are other Americans and cannot be left out of the package. Many seniors in Massachusetts live on fixed incomes. They struggle to pay their medical and heating bills.

Unfortunately, 20 million seniors were left out of the tax rebate in the House-passed stimulus bill. When we are contemplating distributing stimulus checks broadly across most American families, it would just be wrong not to include 20 million seniors of the Greatest Generation.

Not only does the House passed economic bill exclude seniors from rebates, it excludes 250,000 disabled veterans who do not file a tax return. There is no valid reason to leave out those who were wounded while serving their country.

As Chairman of the Committee on Small Business and Entrepreneurship, I am pleased this economic stimulus plan includes two tax provisions which Senator SNOWE, who serves as the ranking member of the Committee, and I believe will help small businesses. The first provision doubles the amount of business purchases that a small business can write-off from $125,000 to $250,000 for 2008. This will provide an incentive for small businesses to purchase more equipment and expand their business.

The second provision expands the carryback period for net operating losses, NOLs, from 2 to 5 years. This targeted provision will help businesses address losses. By allowing NOLs to be carried back for a longer period of time, business owners will be able to balance out net losses over years when the business has a net operating gain, helping small businesses with their cash flow. Any action we take to foster their growth benefits our economy as a whole.

At the Real Estate Roundtable earlier last week, Treasury Secretary Paulson said, ''the U.S. economy is undergoing a significant housing correction. That, combined with high energy prices and capital market turmoil caused economic growth to slow rather markedly at the end of 2007, as reflected in the gross domestic product numbers.'' The GDP fell from 4.9 percent in the third quarter of 2007 to only 0.6 percent in the last quarter.

A strong economic stimulus package needs to address the root of the problem—the housing crisis. The unexpected losses on subprime mortgages and the breadth of the exposure has created uncertainty in the economy. Homeowners facing higher interest rates on the subprime adjustable-rate mortgages, ARMs, and lower housing prices are having trouble refinancing. Approximately 1.7 million subprime ARMs worth $367 billion are expected to reset during 2008 and 2009.

Owning your own home is the foundation of the American dream. Home ownership encourages personal responsibility, provides financial security, and gives families a stake in their neighborhoods. According to the Mortgage Bankers Association's National Delinquency Survey, there were roughly 2.5 million mortgages in default in the third quarter of 2007—an increase of about 40 percent when compared to the same quarter in 2005.

A few weeks ago, I held a roundtable discussion on the economy in Massachusetts. Jim Harrington, the Mayor of Brockton, MA, told me that his city had 400 foreclosures last year and expects 400 more this year. In the City of Boston, there were 703 foreclosures in 2007 after just 261 in 2006. The dramatic increase in foreclosures in cities across the nation are lowering revenues and making it more difficult for them to respond to the housing crisis.

The Finance Committee amendment includes a provision to provide $10 billion for mortgage revenue bonds. This provision is based on a bill introduced

by Senator SMITH and myself. It passed in the Finance Committee by a 20–1 vote. It is also important to note that President Bush, during his State of the Union Address, asked the Congress to provide additional authority for mortgage revenue bonds and included a similar provision in the budget for fiscal year 2009.

Specifically, this provision would provide $10 billion of tax-exempt private activity bonds to be used to refinance subprime loans, provide mortgages for first time homebuyers and for multifamily rental housing. This provision will help families retain affordable housing. The housing crisis also affects rental housing because many families who lose their homes will move into rental housing.

With the additional mortgage revenue bond authority, States and local governments could rapidly escalate demand for housing and stimulate the economy by increasing the flow of safe, non-predatory mortgage loans. In 2006, State and local governments financed 120,000 new home loans with MRBs. With the additional $10 billion in funding, States and localities can match that amount and finance approximately 80,000 more home loans.

According to the National Association of Home Builders, every mortgage revenue bond new home loan produces nearly two, full-time jobs, $75,000 in additional wages and salaries and $41,000 in new Federal, State and local revenues. Also, each new home loan results in an average of $3,700 in new spending on appliances, furnishings, and property alterations.

Separate from mortgage revenue bonds, the Finance Committee extends unemployment benefits by thirteen weeks through the end of 2008. In December alone, the national unemployment rate shot up from 4.7 percent to 5 percent and half a million more workers joined the ranks of the employed. Labor statistics released last week show the labor market is faltering. In the past month, our economy lost 17,000 jobs. We need to extend unemployment benefits now. When it takes longer to find a job, current unemployment benefits are not adequate.

Extending unemployment benefits is one of the most effective ways to stimulate the economy. Families struggling to make ends meet after losing their paycheck will spend the benefits quickly. Every dollar spent on benefits leads to $1.64 in economic growth. In addition, unemployment benefits will reach workers about two months before rebate checks start to be delivered.

Finally, the Finance Committee package has been modified to include an additional $1 billion for the Low-Income Home Energy Assistance Program—one of the most effective programs to help low-income Americans struggling with rising energy costs. According to economist Mark Zandi, an increase in LIHEAP funding should be part of a stimulus bill. Increased LIHEAP funding will eliminate the need for families to choose between food and energy costs—a choice no family should ever face.

Home heating prices in Massachusetts are 44 percent higher today than they were just 1 year ago, and thousands of families will have difficulties paying their heating bills this winter. Massachusetts families will be able to benefit by approximately $22 million from this proposed increase in LIHEAP funding.

Mr. President, once again, I would like to thank Chairman BAUCUS for his efforts in developing this important stimulus package. I ask all my colleagues to support this amendment so that more seniors, small businesses, homeowners, and hard working families struggling to make ends meet can get the assistance they deserve.

Mr. GRASSLEY. Mr. President, we have come down to the crucial vote on whether we are going to greatly improve the House stimulus bill. In a few minutes, all Senators will have to undergo that balancing exercise I referred to last week.

On one hand, you have the legitimate concerns on the part of the House, White House, and Senate Republican. Leadership. That concern is that a wide open Senate process would slow down and complicate a straightforward House bill. Those who hold this view correctly point out that the House bill was the product of tough negotiations.

The White House and House Republicans made concessions in that negotiation. Likewise, House Democrats made concessions in that negotiation. Supporters of the House bill emphasize the need for speedy action to send the signal to workers, investors, and business people that the Federal Government is responding to the slowing economy.

On the other hand, are concerns about the substance of the House bill and a truncated process that limits the role of the Senate.

It comes down to this, Mr. President. The leaders' concern with timing must be weighed against the question of the quality of the House bill. In other words, is a take-it or leave-it House bill, which passes quickly, better than a Senate bill which allows the Senate to work its will.

I have laid out the leaders' concerns about timing. Now, we question of the adequacy of the House bill. That is the other side of the balance we need to strike.

Let's examine this side of the question. Asked another way, did the committee process improve the House bill with a Senate amendment?

I think everyone would have to answer yes. That is, the Finance Committee amendment is an improvement over the House bill. Twenty million seniors will get the checks. Over 200,000 disabled veterans will get the checks. Illegal immigrants will not be entitled to checks. These improvements to the rebate structure were the direct result of deliberations in the Finance Committee. They were contributions by members on each side. We improved the business stimulus provisions as well.

Our goal was a bipartisan economic stimulus package. The committee worked its will and improved the bill. The committee bill responded to the needs of Americans and business and, if enacted, would provide a very much needed boost for the economy.

The best proof of this point is the concession by opponents of the Finance Committee bill that the House bill must be changed on the structure of the rebate.

Before you vote, I ask Members to go back to the basic question of balancing quick action on the House bill versus improvements made by the Finance Committee.

The House bill could be passed quickly without improvements. Or we could finish the process here in the Senate and add the improvements made by the Finance Committee.

If cloture is achieved on the Finance Committee amendment, then we will have a different challenge.

We must not load up this stimulus package else further or it is likely to sink. Our leaders are right that we need to act quickly.

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

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

Mr. MCCONNELL. Mr. President, in a few moments we are going to have an extremely important vote. Nineteen days ago, the President first proposed an economic stimulus package and implored the Congress to act. It was impressive to see the Democratic Speaker of the House, the Republican leader of the House, and the Secretary of the Treasury of the Bush administration all together having worked out an important stimulus package that we believe will help our economy.

Then in an apparent jolt of nostalgia from last year, Senate Democrats decided to co-op a bipartisan proposal produced by the House, to put together a carefully crafted political document coming out of the Finance Committee.

It may be a good proposal in some respects. I am sure it contains a lot of what is appealing to Members. But the point here was to try to do a targeted, temporary jolt to our economy, and to try to astonish the American people by doing it on a bipartisan basis, rapidly.

This package will not achieve that result. There is an opportunity, however, to do that. First, we must defeat the Reid proposal, and then there will be an opportunity to adjust the House proposal in a way that is acceptable to the Speaker of the House, the Republican leader of the House, and the

President of the United States, thereby achieving an early signature.

So I will offer, along with Senator STEVENS, after the Reid proposal does not achieve cloture, an amendment to the House-passed bill that will deal with Social Security, with veterans, and with the immigration problem. And with regard to the veterans piece of it, one of the deficiencies of the Finance Committee or Reid proposal is that it does not cover the widows of veterans. That omission will be corrected in the proposal I will offer.

So if we want to provide this stimulative effect for the widows of veterans, a way to do that, and the way to do it in a proposal that will be signed by the President of the United States, approved by the House of Representatives on an overwhelmingly bipartisan basis, is to approve the McConnell-Stevens amendment.

Now, let me say, Senator STEVENS and I don't have any pride of authorship. If it will help us get this job done, if it will help us get this job done, we can call it the Reid-Obama-Clinton proposal as far as I am concerned. The goal is not so much to claim credit as it is to astonish the American people and do something on a bipartisan basis and do it quickly—do it quickly.

People will be astonished, and we think the markets and others around the world will watch in amazement to see that, on a bipartisan basis, the U.S. Government can do something effective and fast. So I would be more than happy to change the name of the amendment if that would make it more palatable.

We have no particular pride of authorship. This whole path we are going down started out on a bipartisan basis; I was hoping we would end it on a bipartisan basis. As far as the credit part of it is concerned, we can all take credit, we can go upstairs to the gallery together, Senator REID and I, side by side, and say: We came together. We did something for the American people.

The House can simply take this up—we know; the majority leader of the House said today, he implored us, the majority leader, not to load up this bill with too many extras that would imperil the bill.

He was referring, of course, to the package upon which we will be having a cloture vote shortly. So the way forward is clear. Let's defeat the proposal that we know will not be accepted by the House, we know will not be signed by the President. Let's modify the House bill—we can call it the Reid-Clinton-Obama bill as far as I am concerned—and get it back over to the House. We have their assurance they will take it up, pass it, and send it to the President for his signature. But first we must defeat the Reid-Finance Committee package.

I yield the floor.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, the President of the United States returned from the Middle East 2 weeks ago tomorrow. I had a conversation with him on the telephone, with the Speaker, and a number of other people.

At that time, the decision was made that the President would hold off on any statement he would make on specificity on Friday following that Thursday, and that we should sit down and see what we could work out with his Secretary of the Treasury.

We did that. A decision was made, as I have said on this floor on a number of occasions. This decision was made because of the House rules compared to the Senate rules, that this would be a bill that would come from the House. That bill has come from the House. I have never in any way disparaged it.

But it is not something that does not need fixing. That was the whole purpose of the House working on it and then we are working on it. So any intimation by my friend, the Republican leader, that whatever the House came up with we would just put a big stamp of approval on it does not speak well to the history of this body.

We have an obligation to do what we think is best to stimulate the economy. We have done that. What we have done is not a political document. It is a piece of legislation. Now, from what I have heard from my friend, it appears that they would agree, by unanimous consent, the bill that is now the House bill—what I understand they would be willing to add to that is language that would prevent undocumenteds from drawing the benefits of those rebates. They would also be willing to accept senior citizens as listed in the Senate Finance bill, 21.5 million of them; wounded veterans, 250,000 of them; and the widows of those veterans.

It sounds good to me. I would be happy, and I ask unanimous consent at this stage. Are they willing to accept that, to add that to the package that we now have? That is, add the widows to the package that is now before the body? I agree we can add widows. I ask unanimous consent that that be the case.

The PRESIDING OFFICER. Is there objection?

Mr. MCCONNELL. Would the majority leader restate his unanimous consent request?

Mr. REID. The Senate Finance package that is now before the Senate, I ask unanimous consent that we add to that widows of the veterans.

Mr. MCCONNELL. Mr. President, reserving the right to object, this is what has been going on all week: adjustments to the package in order to play political games.

Now, with all due respect to my friend, the majority leader, we are going to have an opportunity to fix this problem on the widows of veterans at a later date.

We do not have to fix it on this first vote. How many different times do they want to change it? They originally told us they were going to give us the paper last Thursday night. It kept evolving and evolving and evolving. We will have a chance to fix this problem.

The first opportunity would be the amendment that Senator STEVENS and I intend to offer. Therefore, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. REID. That is somewhat unusual. It appears the changes as have been suggested by my friend—I wanted to be cooperative and say that is a good idea.

You can flip open any newspaper, tune in to any news program, tune in to any radio show, and you are bound to hear from professors, economists, analysts, and pundits debating about the state of our economy. It used to be a lot of them were asking: Are we in a recession now? Not too many are asking that now. They believe we are in a recession. But they do ask continually how deep will it be; how long will it last.

Those questions are valid and appropriate. But they are asked by those who spend their lives thinking about the economy, not by those who spend their lives working in the economy or building the economy, to those Americans working harder than ever who end up with less.

There is no doubt the state of the economy is not good. Millions of working families are trying to make their paycheck stretch until the next paycheck, as their gasoline, heating, and grocery bills skyrocket, of course, medical bills are never able to be paid.

They know how our economy struggles. Millions of senior citizens are living on incomes that are fixed but face living costs that are anything but fixed. They know how our economy struggles. Small business owners are facing rising health care costs for their employees and greater difficulty finding capital to grow. They know how our economy struggles.

Millions of homeowners are in foreclose or face it soon; 37 million people. In California, foreclosure rates have gone up more than 300 percent; Florida, 250 percent. We could go through a long list of problems. But they are difficult. The housing market is in big trouble as these people watch their dreams and their security come crashing down. They, too, know how our economy struggles. It affects everyone.

I did a TV show down here with the mayor of the city of Fernley, NV.

Mayor, how is the economy?

He said: It is tough.

They just had a levee break and a Bureau of Reclamation project has been there for a long time. You know, the water came and covered homes for 2 miles. Some of it was 8 feet deep. With the state of the housing market so bad, a lot of people are saying: I don't think it is going to do any good to rebuild my home. I don't think I can borrow the money to fix it up or I can't make the payments.

It is fair to say that President Bush will not be remembered as a good steward of our economy. When he took office, there was a surplus over the next

10 years of some $7 trillion. As Senator CONRAD mentioned at a presentation earlier today, in his 7 years, he has run up the debt. That is gone. The surplus is gone. He has run up the debt by more than $3 trillion. We have now spent about $750 billion in Iraq. Every penny of it has been borrowed. But even this President understands the urgent need for action, and we need to do that.

To his credit, President Bush called on Congress to pass an economic stimulus plan. House leaders, Democrats and Republicans, working with the White House, came together to craft a bill that serves certainly as a good starting point. That was always what it was supposed to be. But notably the House plan sends rebate checks out to the American people some time in probably May or maybe even June. They can't do anything with the rebate checks until the income tax returns are filed. Americans will use that money to pay their bills, to buy books and clothing for their children, or perhaps to make a long overdue repair of homes or cars or pay a doctor bill. Democrats, Republicans, we all agree, if we give the American people the money, they will spend it.

Last week the House sent the bill over here. In the Finance Committee, Chairman BAUCUS and Senator GRASSLEY put their heads together, one Democrat and one Republican, and made a good bill far stronger.

Here are some of the things they did that we are going to be voting on in a little while. Through bipartisanship, this Finance Committee package sends stimulus checks to 21.5 million senior citizens who would get nothing from the House bill. The bipartisan Finance Committee package sends checks to 250,000 wounded, disabled veterans who were left out of the House plan, veterans unable to work because of the sacrifice they made for our country. The bipartisan Finance Committee package extends unemployment benefits for those whose jobs have fallen victim to this economy which is on this down spin.

The Department of Labor recently told us that the economy lost thousands of jobs in January, on top of the millions who are already unemployed. The House bill doesn't extend unemployment benefits, and economists tell us that is one of the most effective ways to stimulate the economy.

The bipartisan Finance Committee plan helps both small and large businesses. Small businesses will have a greater ability to immediately write off purchases of machinery and equipment, and large business will receive bonus depreciation, an extended carryback period for past losses to recoup cash for future investments. The bipartisan Finance Committee package addresses the housing crisis by adding $10 billion in mortgage revenue bonds that can be used by States to refinance mortgages. The reason I focus on this is the President of the United States in his State of the Union Message said:

> . . . and allow state housing agents to issue tax-free bonds to help homeowners refinance their mortgages. (Applause.)

We stood and applauded when he said this. That was the right thing for him to say. It is the right thing for us to do. That is what we have in our Senate Finance package, something the President called for in his State of the Union Message. Why should we be criticized for trying to improve the House plan because the President asked for it and we agree with what the President asked for?

The bipartisan Finance Committee package includes an extension of energy efficiency and renewable energy incentives to create jobs, lower energy bills, and help begin to stem the tide of global warming.

The Arizona Republic Newspaper, a newspaper not known for being left-wing, said in an editorial recently: 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, geothermal. We get a 3-for-1 impact: creating jobs, diversifying our energy supply, and reducing pollution. These aren't new tax credits. They are 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. That is what we have in this legislation. It is good legislation. It is important legislation.

The amendment I have submitted adds two bipartisan measures to the committee's bill. One is an amendment to increase loan limits for Fannie Mae and Freddie Mac as well as FHA-backed mortgages which will help more homeowners refinance and reduce mortgage interest rates. The other provides funds for the Low-Income Home Energy Assistance Program, LIHEAP. These funds will help low-income families—and there are lots of them—afford their heating bills which are skyrocketing even as big oil reports record profits. Shouldn't we do this? Last quarter Exxon made more money than any company in the history of the world. They had a net profit of over $40 billion in one quarter. This effort to get individuals and companies investing in renewable energy is important. That is what is in this bill. We should not be criticized for this.

What the bipartisan Finance Committee accomplished, they took a good plan and made one much better—better for seniors, for veterans, for working families, for business, for our economy. They did it in a bipartisan manner. This isn't a Democratic package. It is a bipartisan package. They did it quickly. They did exactly what the Senate is supposed to do.

The stimulus plan before us tonight is smart, targeted, and it is effective. That is why it is supported by the AARP, Families USA, Alliance for Retired Americans, National Association of Manufacturers, American Home Builders Association, National Council on Aging, union groups, Veterans of Foreign Wars, Paralyzed Veterans of America, Easter Seals, and on and on. There is lots of support from lots of different organizations, scores of them. I have only hit a few of them.

The Republican leader and members of his caucus should have come to the Senate floor to congratulate Senators BAUCUS and GRASSLEY, as these groups did. After this was done, these groups made hundreds and thousands of phone calls to thank the Finance Committee for doing this. It was the right thing to do. This is not a partisan measure, and that is why these groups—many of these groups traditionally don't support Democrats—like this. It is bipartisan.

I am happy that a majority—and we will find out if there are 60—of this Senate approves of this package, a significant majority. We hope we will get 60, 61 votes. Time will tell. But the RECORD should reflect that a majority of the Senate, Democrats and Republicans, supports this bipartisan measure we got from the Senate. And it is interesting to note that as to this perfect plan we got from the House, the Republican leader said he would like to change it. So the House plan obviously needs to be improved. It needs to be improved because of language dealing with undocumented people. It needs to be improved because of seniors and veterans, which the Republicans admit. The House plan couldn't have been that great if they accept those changes.

This is a good piece of legislation. That is why I am happy and satisfied that a majority of the Senate approves what the Senate Finance Committee did. Secretary Paulson, whom I have enjoyed working with, said this morning that the Senate Finance Committee bill is ''coming to the trough.'' My friend the Republican leader said these are pet projects. The majority of the Senate, Democrats and Republicans, disagrees with that. They do not think that seniors and veterans are pet projects. And if they are pet projects, I plead guilty, because they are my pet projects. Seniors are my pet project. Veterans are my pet project.

I have not served in the U.S. military. But during my entire career as a Member of Congress, I have bent over backward because of the sacrifices made by people such as DAN INOUYE and CHUCK HAGEL and many others in this body and around the country. I do everything I can to have veterans as my pet project. And they are. And the vast majority of the Senate agrees with that.

So I think Secretary Paulson should retract what he said. This is not coming to the trough. We are coming to help people. We are coming to help veterans, seniors, people who are unemployed. Maybe my friend, the Secretary of the Treasury, has never been unemployed. Maybe he thinks those checks are not worth anything. We know the Secretary of the Treasury is a very

wealthy man. People who are on unemployment benefits, without exception, are not wealthy. They are people who were depending on a check to come when payday came. Payday came, and they had no job. The unemployed are a pet project of mine. I would say that the unemployed don't have the advocates, the lobbyists that a lot of other groups have, but they are as important.

Is it a pet project to help businesses weather the storm of this downturn? I don't think so. Is it a pet project to help people pay for their heating bills? And if there is something negative about that term, I plead guilty. Is it a pet project to help families avoid foreclosure? If the answer is yes, we know that a majority of the Senate is in favor of these pet projects. We know that a majority of the Senate supports these pet projects and will defend these projects.

I hope there are enough of my friends on the other side of the aisle who will step forward and do the right thing and support this bipartisan plan that will help stimulate the economy.

I am not naive enough not to know that when this bill leaves here, whatever shape it is, it goes to a conference with the House. The President will be heavily involved in that. It will have the stamp of approval of the House and the Senate. But pressure is building, and that is why a majority of the Senate of the United States believes that this Senate stimulus package is a good piece of legislation. We have already established tonight, through the words of the Republican leader, that the House package is far from perfect, because he has acknowledged that he wants to change that. If we stand together on this bill—and Senators BAUCUS and GRASSLEY have stood together—we can achieve something today that will make our economy stronger and make the American people proud that we have not forgotten the unemployed, that we have not forgotten the military folks who have given so much, and the seniors.

I still often want to call my mother. I used to call my mother every day. She was a Social Security recipient. I know I can't call my mother, even though I want to on many occasions. But I do know that if she got this check like we are trying to give her and others similarly situated, she would spend that money if she were alive. She would have that money spent in a matter of a few days. So this is the right thing to do.

The Senate should feel good that right now a bipartisan group of Senators, Democrats and Republicans, reported a bill out of the Senate Finance Committee and, after having done so, a bipartisan group of Democratic Senators and Republican Senators have joined together to say: Let's give the economy a boost. That is what this legislation will do.

Our time has expired, or it will in a minute or so.

Mr. President, as usual, we have people who want to get out of here and people who want to stay here. So we are going to wait until the time expires. So I will ask that we have a quorum call. There is just a minute or so left.

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.

CLOTURE MOTION

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

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, 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.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call is waived.

The question is, Is it the sense of the Senate that debate on amendment No. 3983, offered by the Senator from Nevada, Mr. REID, to H.R. 5140, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. KYL. The following Senator is necessarily absent: the Senator from Arizona (Mr. MCCAIN).

The yeas and nays resulted—yeas 58, nays 41, as follows:

[Rollcall Vote No. 8 Leg.]

YEAS—58

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

NAYS—41

| | | |
|---|---|---|
| Alexander | Cornyn | Isakson |
| Allard | Craig | Kyl |
| Barrasso | Crapo | Lugar |
| Bennett | DeMint | Martinez |
| Bond | Ensign | McConnell |
| Brownback | Enzi | Murkowski |
| Bunning | Graham | Reid |
| Burr | Gregg | Roberts |
| Chambliss | Hagel | Sessions |
| Coburn | Hatch | Shelby |
| Cochran | Hutchison | Stevens |
| Corker | Inhofe | |
| Sununu | Vitter | Warner |
| Thune | Voinovich | Wicker |

NOT VOTING—1

McCain

The PRESIDING OFFICER. On this vote, the yeas are 58, the nays are 41. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

Mr. REID. Mr. President, I enter a motion to reconsider the vote by which cloture was not invoked on the amendment.

The PRESIDING OFFICER. The motion to reconsider is entered.

Mr. REID. Mr. President, first, let me express my appreciation to everyone who took my calls, who listened to Democrats and Republicans asking them to vote for this very important stimulus package. It was a good debate. The American people would have been better for having done this, but I appreciate the bipartisan nature of this vote. Fifty-nine Senators joined together to do what they thought was the right thing for the country.

I will have before the evening is out, in fact shortly, a conversation with the Republican leader in the immediate future this evening to let him know what I intend to do in the near future and not so near. So pending my conversation with the Republican leader, I note the absence of a quorum.

The PRESIDING OFFICER (Ms. CANTWELL). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

## MORNING BUSINESS

Mr. DURBIN. I ask unanimous consent that the Senate proceed to a period of morning business with Senators permitted to speak for up to 10 minutes each.

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

## RECOGNIZING EDWARD J. MOLITOR, SR.

Mr. DURBIN. Mr. President, Ed Molitor has been coaching basketball at Palatine High School for so long that when the local paper reported on his retirement, the sports trivia question it ran included the name of his predecessor.

When Ed Molitor was in college, he went to a playoff game between two Chicago high school basketball teams—DuSable and DePaul Academy. He credits this game with altering the course of his life.

At the time, Ed Molitor was a premed student at St. Procopius College. When he wasn't consumed with his studies, he helped a friend coach basketball at an elementary school on the

city's south side. It wasn't until he watched the two high school teams battle it out on the court, though, that he realized medicine wasn't his real passion. It was basketball. Molitor transferred to Roosevelt University and shifted his focus to education.

After graduation, Molitor started as assistant coach of the DePaul Academy High School basketball team. As assistant coach, he worked under Coach Bill Gleason, who became both a mentor and friend. Molitor went on to coach basketball at Marist High School on the southwest side of Chicago.

In 1976, Molitor became head coach of Palatine High School's varsity basketball team. He stayed for more than three decades. During his 32 years at Palatine, Molitor coached more than 700 athletes. He left an indelible mark on the players, the school, and the community. No fewer than 16 of his former players have gone on to coach high school basketball, and 5 currently coach collegiate basketball.

On December 28, 2007, Coach Molitor earned his 500th career victory. When honored with the game ball at a postgame ceremony, Molitor admitted that he hadn't been aware he was approaching this impressive milestone until he read about the achievement in the newspaper.

Throughout his remarkable coaching career, Ed Molitor emphasized achievement off the court as much as on it. In his own words, ''you have to convince a kid he's got potential, not only in athletics, but in other walks of life.''

Coach Molitor emphasizes the mental elements of the game over the physical, and this approach has brought him and his players success on the court and in life. He has led teams to six conference championships, seven regional titles, and two sectional championships.

I am happy to report that his peers have recognized Ed Molitor's skills. On two occasions, he has been named Coach of the Year by the Illinois Basketball Coaches Association. In 1997, the association inducted Molitor into its Hall of Fame. Over the years, Coach Molitor has been selected to coach a number of regional, state, and national teams. He also sits on the All-State Selection Board.

Ed Molitor has been a tremendous asset to Illinois high school basketball throughout his coaching career, but his greatest value has always been to his players. Today, I join the current and former members of Palatine High School's varsity basketball team in thanking Coach Molitor for his commitment to coaching and his passion for helping student-athletes develop character, discipline, and perseverance—skills that will prove valuable even after the season has ended.

Mr. President, I congratulate Coach Ed Molitor on his accomplishments throughout his long and successful coaching career, and I wish him many more years of happiness and accomplishment in retirement.

## HONORING OUR ARMED FORCES

### PRIVATE FIRST CLASS CHRISTOPHER F. PFEIFER

Mr. NELSON of Nebraska. Mr. President, I rise today to honor PFC Christopher F. Pfeifer of Spalding, Nebraska.

Private First Class Pfeifer grew up in Spalding and, during high school, played football, as well as the drums in the school band. He enjoyed fishing, hunting, golfing, and especially music and playing his drums. His music teacher said he was one of the better drum players she had ever seen. After joining the Job Corps, he earned his high school diploma, and met his future wife, Karen. They married on March 22, 2006, and 1 month later, he joined the U.S. Army, partly influenced by his brother's service as a Green Beret. His father said he loved the Army and, after completing his military commitment, wanted to use the G.I. bill to go to college.

Private First Class Pfeifer was serving in support of Operation Enduring Freedom, assigned to the 1st Squadron, 91st Cavalry Regiment, 173rd Airborne Brigade Combat Team, in Schweinfurt, Germany. On August 17, 2007, his unit came under enemy fire near Kamu, Afghanistan. Private First Class Pfeifer sustained wounds while bravely trying to pull fellow soldiers to safety. He passed away on September 25, 2007, at Brooke Army Medical Center, Fort Sam Houston, San Antonio, TX. Private First Class Pfeifer was posthumously awarded the Purple Heart.

Private First Class Pfeifer is survived by his wife Karen and their newborn daughter Peyton; his parents Michael and Darlina Pfeifer of Spalding, NE; his brother, Aaron of Fort Bragg, NC; and his sister Nichole, of Hauppauge, NY. I offer my most sincere condolences to the family and friends of Private First Class Pfeifer. He made the ultimate and most courageous sacrifice for our Nation, and his daughter will grow up knowing her father is a hero. I join all Americans in grieving the loss of this remarkable young man and know that Private First Class Pfeifer's passion for serving, his leadership, and his selflessness will remain a source of inspiration for us all.

## ADDITIONAL STATEMENTS

### HONORING B. LYN BEHRENS

• Mrs. BOXER. Mr. President, today I ask my colleagues to join me in honoring Dr. Lyn Behrens as she retires as president and CEO of Loma Linda University Adventist Health Sciences Center, drawing to a close a successful career in medicine and civic leadership.

After completing her degree in medicine from the Sydney University School of Medicine in Australia in 1964, Dr. Behrens became the first and only pediatric resident at Loma Linda University Medical Center in 1966. By 1986, Dr. Behrens was the first female Dean of the School of Medicine, and by 1990 she had become the first female President of Loma Linda University. Five years later she assumed the position of CEO of Adventist Health System, which soon became the Loma Linda University Adventist Health Science Center. In 1999, Dr. Behrens was chosen to serve as President of Loma Linda University Medical Center. Loma Linda University and Medical Center has prospered under her leadership, and has become a preeminent institution for patient care and medical technology. I have had the pleasure of visiting Loma Linda University and have found Dr. Behrens to be an exemplary model to her colleagues, capable of bringing out the best in her associates.

During Behrens' tenure, Loma Linda University witnessed the development of a dedicated children's hospital with the most advanced equipment and methodology. The university has also witnessed the development of a center for behavioral medicine, as well as a rehabilitation, orthopaedic and neurosciences institute. The university has also added new schools of pharmacy and science and technology, and has worked diligently to foster its interaction with local research institutes to develop innovation in the use of global information systems to assist with emergency medical response. The first hospital-based center for proton therapy and research has also been developed under Behrens' tenure, and has become a leading institution in the treatment of cancer. The university has taken great strides to improve care and support for our Nation's veterans at the Jerry L. Pettis Memorial VA Medical Center.

Dr. Behrens has also been a dynamic leader in her community, working to ensure positive community service to her area and throughout the world. She has been instrumental in bringing to fruition a great number of social and community services organizations and programs. Programs such as the Social Action Community Health Services Clinic, PossAbilities, Community Kids Connection and Operation Jessica, have brought medical and social support to a broad group of individuals. These organizations have assisted special needs and at-risk children and teens, and developed after-school programs and ESL—English Second Language—programs. Dr. Behrens' leadership has also provided for increased medical and community support internationally, providing support in 12 nations, including the only teaching hospital in Kabul, Afghanistan, and the most advanced hospital in mainland China.

As she retires from more than four decades of service and leadership in medicine to the communities of California and beyond, I am pleased to ask my colleagues to recognize her for a career of visionary leadership. The future of medical education, research, and service will be forever changed thanks to her bold leadership.•

## 50 YEARS OF SPACE EXPLORATION

• Mrs. BOXER. Mr. President, I ask my colleagues to join me in recognizing and honoring the California Institute of Technology's Jet Propulsion Laboratory, JPL, in Pasadena, CA, for 50 years of space exploration. Since the launch of *Explorer I*, America's first spacecraft, on January 31, 1958, JPL has made momentous and historic contributions to our scientific understanding of our vast universe.

For the past five decades, the Jet Propulsion Laboratory has been a respected leader in furthering scientific knowledge around the world. Explorer 1 was built in less than 3 months, and was the first spacecraft ever launched into space that actually revolved around Earth and provided scientific findings from space. The immense success of *Explorer I* led to the passage of the Space Act in 1958, which established the National Aeronautics and Space Administration (NASA).

Since the inception of NASA, JPL has been on the forefront of science and technology through its research and exploration of every known planet in our solar system. Subsequent to the success of *Explorer I*, JPL has continued to have a central role in accomplished space missions, such as exploring our vast solar system with Voyager 1 and 2 and the Mars Exploration Rovers. JPL has also been instrumental in understanding our planet.

I congratulate the California Institute of Technology's Jet Propulsion Laboratory on 50 years of successful and insightful space exploration, and thank the original members of the *Explorer I* team for their contribution to American history.•

## BEST COMMUNITIES FOR YOUNG PEOPLE

• Ms. KLOBUCHAR. Mr. President, each year, the America's Promise Alliance names the 100 Best Communities for Young People in the Nation. Today, I am proud to honor five Minnesota towns that have achieved this tremendous designation—Landfall, Mankato, Northfield, Saint Louis Park, and Saint Paul, MN.

The 100 Best Communities for Young People is an annual competition that recognizes outstanding community-wide efforts that improve the well-being of youth and inspire other localities to take action.

There is apparently much to find inspiration from, as two previous award winners have now become five—a strong showing from the great State of Minnesota.

Each of these five Minnesota communities demonstrated a commitment to community support of children through resources including effective education, safe gathering places, and a wide range of programming. Their commitment generates real outcomes in the form of high graduation rates and educational achievement, healthy behaviors, and civic engagement by their young population.

Landfall, MN, is a small town with big plans for its young people. A town of just 700, they place a premium on expanding the horizons of young people. They provide students with ''Extra Innings,'' a tutoring and mentoring program that gives elementary through high school students one-on-one help with math, reading, and English as a second language.

Mankato, MN, a three-time winner of this honor, prides itself on embracing young people to help them reach their fullest potential. Among their initiatives is the LinkCrew, which pairs high school freshmen with junior and senior year mentors to help them make a successful transition to high school. And, as the town that raised six Bessler boys, including my husband John, I know firsthand of the high-caliber young people Mankato produces.

Northfield, MN, used to be a farm town, centered between corn and wheat fields. Now, anchored by two of our Nation's preeminent colleges, Carleton College and Saint Olaf College, Northfield has become an enriching place for young people. The Mayor's Youth Council allows students ages 15 to 18 to advise the mayor and city council on issues related to the young population.

Saint Louis Park, MN, is also a three-time winner. They welcome youth into their process of government, inviting them to participate in decisionmaking on special neighborhood and community issues. Among other attractions, it is home to 51 parks thanks to the city's initiative to reserve a percentage of all city land for public parks. And in a special nod to its young population, the city's Web site lists the best sledding hills in its community.

Saint Paul, MN, is our State's capital city and a shining example of how to engage children after school hours. Through the Second Shift and After School Initiatives, they provide positive places for children to spend their afternoons, develop new skills, and obtain academic assistance.

From his theatre in downtown Saint Paul, Minnesota's native son, Garrison Keillor, refers to his fictional Minnesota town of Lake Wobegon as a place where ''all the women are strong, all the men are good-looking, and all the children are above average.'' These five towns have certainly proven Keillor's words are more truth than fiction.

I am proud to represent five of America's Best Communities for Young People and to congratulate them before the U.S. Senate.•

## RECOGNIZING SAINT CLOUD, MINNESOTA

• Ms. KLOBUCHAR. Mr. President, today I wish to recognize a great achievement by the City of Saint Cloud, MN.

St. Cloud, MN, is located on the banks of the Mississippi River, 60 miles northwest of the Twin Cities. When it was founded more than 150 years ago, it was known as the Granite City. But now it also bears the title of the Most Livable Community in the World.

The LivCom Awards are the world's only competition for local communities that focuses on environmental management and the creation of livable communities. This year, they have named Saint Cloud the ''Most Livable Community in the World.''

This award is a deserved honor and recognition of the outstanding efforts being undertaken by the City of Saint Cloud to create a livable and sustainable community.

The awards encourage best practice, innovation, and leadership in providing vibrant, environmentally sustainable communities that improve the quality of life for their residents and people worldwide.

Among the goals of the award is to model innovative community planning and living for other communities. I hope that Saint Cloud will inspire other communities to tackle challenging environmental and energy issues facing our nation.

Saint Cloud topped entrants from more than 50 countries. The residents of Saint Cloud, the Most Livable City in the World, have much to be proud of.

I ask that you join me in congratulating the world's most livable community, Saint Cloud, MN.•

## IN HONOR OF 2ND LIEUTENANT SETH C. PIERCE

• Mr. NELSON of Nebraska. Mr. President, today I wish to honor 2LT Seth Pierce of Lincoln, NE.

Lieutenant Pierce was a proud member of the U.S. Marine Corps, whose friends remember him as a dedicated and passionate person who ''wore his heart on his sleeve.'' While attending Lincoln Southeast High School, he ran the first leg on his relay team and won the State championship in 2001. His coach described his team as ''the most overachieving boys I've ever coached. They won because they were connected to each other.''

A 2002 graduate of Lincoln Southeast High School and a 2006 graduate of Arizona State University, Lieutenant Pierce was commissioned as a second lieutenant in the U.S. Marine Corps in December 2006. Leutenant Pierce passed away due to a car accident on October 21, 2007, in Quantico, VA, where he was stationed.

Lieutenant Pierce is survived by his parents, Larry and Linda Pierce of Surprise, AZ; his brother and sister-in-law, Aaron and Crystal Pierce, of Omaha; and his grandparents, Edwin and Ruth Steffens and Luther and Esther Pierce, all of Lincoln. I offer my most sincere condolences to the family and friends of Lieutenant Pierce. His noble service to the United States of America is to be respected and appreciated. The loss

of this remarkable marine is felt by all Nebraskans, and his courage to follow his dreams will remain as an inspiration.●

## RECOGNIZING HODGDON YACHTS

● Ms. SNOWE. Mr. President, today I commend a Maine business that last month unveiled a remarkably sturdy vessel for use by our Nation's Navy SEALs, a project for which I was honored to secure funding for. Hodgdon Yachts of East Boothbay, a family-owned company for five generations, has been a source of pride for Maine's boatbuilding industry for nearly 200 years, and its recent accomplishment is without a doubt one of its most impressive.

Hodgdon Yachts began building boats in 1816, when the company launched the 42-foot schooner *Superb*. Since then, Hodgdon Yachts has developed a reputation as one of New England's premier shipbuilders, persevering through difficult times and continually reevaluating its company's methods to be consistently on the cutting edge of the latest technologies. Of particular note for the State of Maine is Hodgdon's 1921 schooner *Bowdoin*, named for the Brunswick alma mater of Arctic explorer Donald MacMillan. The boat proved itself an invaluable tool in Arctic research and sailed more than 300,000 miles over 26 icy voyages in its career. Prior to the *Bowdoin*, the company turned its attention to building submarine chasers for the military in World War I, and continued its defense work by gaining minesweeper and troop transport contracts during both World War II and the Korean war.

By the late 1950s, Hodgdon Yachts returned to building more traditional wooden yachts for a variety of customers. By the mid-1980s, the company began to modernize its shipbuilding, providing clients with yachts of superb quality and strength while employing innovative technology in the creation of its boats. Hodgdon Yachts recently began using carbon Kevlar deposits to construct its yachts to make the boats as strong and secure as possible.

Hodgdon's proficiency in using Kevlar proved useful when, in May 2005, the company won a contract from the U.S. Navy's Office of Naval Research to build the prototype for a new special operations craft using these composites. The ship has a foam core surrounded by multiple layers of carbon, and its durability its reinforced by an outer layer of Kevlar. On January 11, 2008, the company launched this prototype, the 82-foot Mako V.1, named for a shark that frequents the Gulf of Maine's waters. It is the first Navy vessel constructed with carbon-fiber technology and was designed to protect Navy SEALs from injuries caused by the harsh conditions of the seas. Hodgdon teamed up with Maine Marine Manufacturing and the University of Maine in completing the Mako V.1, and I am so proud of the role that each played in supporting our nation's armed forces. I look forward to successful trials by the Navy and the continued role Hodgdon Yachts will play in the production of this fine vessel.

Throughout its history, Hodgdon Yachts has produced over 400 yachts and ships, perhaps none more vital than its latest. The company's work to keep shipbuilding alive and well in Maine is well documented, including President Tim Hodgdon's involvement in the formation of Maine Built Boats, an alliance whose goal is to present Maine's boatbuilding industry to a wider global audience. I firmly believe that, given our seafaring history and established work ethic, Mainers build the best ships, and Hodgdon Yachts only further exemplifies this tradition. I commend everyone at Hodgdon Yachts for their remarkable accomplishment in the Mako V.1, and wish them well in their future boatbuilding endeavors. ●

## TRIBUTE TO JOHN ROCK

● Mr. THUNE. Mr. President, today I wish to honor the life of John Rock, who passed away in November of 2007. John was an invaluable member of the Black Hills community, and he will be truly missed by all who knew him.

John will be remembered for his dedication to service in the Black Hills region. He made many invaluable contributions to the region through his extensive knowledge and life experiences. This dedication was evident through John's support of the Mammoth Site museum in Hot Springs, SD. He worked with the finance/personnel and governance committees and the board of directors of the Mammoth Site of Hot Springs, SD, Inc., from 2001 to 2007.

In addition to his being recognized by the Mammoth Site board, two theater seats will be dedicated to John and his wife Bonnie. A plaque in John's honor will also be placed on the Memorial Wall at the Mammoth Site.

John Rock's absence will be deeply felt in the Black Hills community. He was a truly dedicated individual who will be remembered for his lifetime of service to others.●

## TRIBUTE TO VIOREL G. ''VI'' STOIA

● Mr. THUNE. Mr. President, today I wish to honor Viorel G. ''Vi'' Stoia, a great South Dakotan who passed away on January 28, 2008.

Vi Stoia was born on February 13, 1924 in Aberdeen, SD, and began his lifetime of service and leadership at Aberdeen Central High School where he served as senior class president. Vi continued this leadership and service while he served in the U.S. Navy and attended the University of Minnesota. In 1949, Vi graduated with a degree in business administration and married his lifelong companion, Donna Marie Maurseth.

Vi's thirst for knowledge along with his extraordinary leadership abilities served him well during his lifetime. His long and illustrious professional career included countless distinguished appointments, awards, and honors.

Vi will be remembered by the Aberdeen community because of his exuberant service and dedication to constant improvement of the city, county, and State. Vi was a member of numerous community organizations, including the Aberdeen Jaycees and the Aberdeen Area Chamber of Commerce. Additionally, Vi's dedication and leadership were instrumental in rallying support for dozens of community projects.

The profound wisdom and deep commitment that Vi possessed is reflected through his role in the businesses, health organizations, educational affiliations, and political organizations for which he so diligently served throughout his life. Vi also received many awards recognizing his excellent work and service including: Distinguished Alumni Award—NSU, 1976; the George Award, 1979 and 1994; South Dakota Community Volunteer of the Year, 1991; Distinguished Service Award, Excellence in Economic Development, 2000; and South Dakota Medal of Distinguished Excellence, 2008.

Vi will be lovingly remembered by his wife Donna as well as his children and grandchildren as a loving husband, father, and a great man. He will forever remain in our hearts for his contributions to the Aberdeen area and the entire State of South Dakota. Few men will ever give as much of themselves or make as much of a difference in the lives of others as Vi Stoia. Today we celebrate the life and accomplishments of this great man. Although he does not stand among us, his legacy will live on for a time without end. For all that has been accomplished and achieved, for all of the lives that have been touched and enhanced, thank you, and God bless Viorel G. Stoia.●

## MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, 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 and a treaty which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

## REPORT ON THE CONTINUATION OF THE NATIONAL EMERGENCY THAT WAS DECLARED WITH RESPECT TO THE GOVERNMENT OF CUBA'S DESTRUCTION OF TWO UNARMED U.S.-REGISTERED CIVILIAN AIRCRAFT—PM 36

The PRESIDING OFFICER laid before the Senate the following message

from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs:

*To the Congress of the United States:*

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice to the *Federal Register* for publication, which states that the national emergency declared with respect to the Government of Cuba's destruction of two unarmed U.S.-registered civilian aircraft in international airspace north of Cuba on February 24, 1996, as amended and expanded on February 26, 2004, is to continue in effect beyond March 1, 2008.

GEORGE W. BUSH.

THE WHITE HOUSE, *February 6, 2008*.

## MESSAGE FROM THE HOUSE

### ENROLLED BILL SIGNED

At 2:31 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 4253. An act to improve and expand small business assistance programs for veterans of the armed forces and military reservists, and for other purposes.

The enrolled bill was subsequently signed by the President pro tempore (Mr. BYRD).

## MEASURES READ THE FIRST TIME

The following bill was read the first time:

S. 2596. A bill to rescind funds appropriated by the Consolidated Appropriations Act, 2008, for the City of Berkeley, California, and any entities located in such city, and to provide that such funds shall be transferred to the Operation and Maintenance, Marine Corps account of the Department of Defense for the purposes of recruiting.

## EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–4881. A communication from the Chairman and President, Export-Import Bank of the United States, transmitting, pursuant to law, an annual report relative to the Bank's operations during fiscal year 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC–4882. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Fluopicolide; Pesticide Tolerance'' (FRL No. 8341-6) received on January 28, 2008; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4883. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Boscalid; Denial of Objections'' (FRL No. 8347-3) received on January 28, 2008; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4884. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendments of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Live Oak, Florida)'' (MB Docket No. 07-131) received on January 28, 2008; to the Committee on Commerce, Science, and Transportation.

EC–4885. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Charlo, Montana)'' (MB Docket No. 07-143) received on January 28, 2008; to the Committee on Commerce, Science, and Transportation.

EC–4886. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Carriage of Digital Television Broadcast Signals: Amendment to Part 76 of the Commission's Rules'' ((FCC 07-170)(CS Docket No. 98-120)) received on January 28, 2008; to the Committee on Commerce, Science, and Transportation.

EC–4887. A communication from the Deputy Chief, Consumer and Governmental Affairs Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities, Report and Order and Declaratory Ruling'' ((FCC 07-186)(CG Docket No. 03-123)) received on January 28, 2008; to the Committee on Commerce, Science, and Transportation.

EC–4888. A communication from the Administrator, Environmental Protection Agency, transmitting, pursuant to law, an annual report relative to the implementation of Public Law 106–107 during fiscal year 2007; to the Committee on Environment and Public Works.

EC–4889. A communication from the Acting Director, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Endangered and Threatened Wildlife and Plants; Revision of Special Regulation for the Central Idaho and Yellowstone Area Nonessential Experimental Populations of Gray Wolves in the Northern Rocky Mountains'' (RIN1018-AV39) received on January 28, 2008; to the Committee on Environment and Public Works.

EC–4890. A communication from the Acting Assistant Secretary for Fish, Wildlife and Parks, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Endangered and Threatened Wildlife and Plants; Revised Designation of Critical Habitat for the Tidewater Goby (Eucyclogobius newberryi)'' (RIN1018-AU81) received on January 28, 2008; to the Committee on Environment and Public Works.

EC–4891. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Health and Safety Data Reporting; Addition of Certain Chemicals'' ((RIN2070-AB11)(FRL No. 8154-2)) received on January 28, 2008; to the Committee on Environment and Public Works.

EC–4892. A communication from the Program Manager, Administration for Children and Families, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Reauthorization of Temporary Assistance for Needy Families Program'' (RIN0970-AC27) received on January 28, 2008; to the Committee on Finance.

EC–4893. A communication from the Assistant Secretary for Policy, Department of Labor, transmitting, pursuant to law, a report relative to the impact of increased minimum wages on the economies of American Samoa and the Commonwealth of the Northern Mariana Islands; to the Committee on Health, Education, Labor, and Pensions.

EC–4894. A communication from the Deputy Under Secretary for Management, Department of Homeland Security, transmitting, pursuant to law, an annual report relative to the Department's competitive sourcing efforts during fiscal year 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–4895. A communication from the Senior Procurement Executive, Office of the Chief Acquisition Officer, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Federal Acquisition Regulation; Federal Acquisition Circular 2005-23'' (FAC 2005-23) received on January 28, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–4896. A communication from the Acting Staff Director, U.S. Commission on Civil Rights, transmitting, pursuant to law, a report relative to the Commission's recent appointment of members to the Kansas Advisory Committee; to the Committee on the Judiciary.

EC–4897. A communication from the Acting Staff Director, U.S. Commission on Civil Rights, transmitting, pursuant to law, a report relative to the Commission's recent appointment of members to the Missouri Advisory Committee; to the Committee on the Judiciary.

EC–4898. A communication from the Acting Staff Director, U.S. Commission on Civil Rights, transmitting, pursuant to law, a report relative to the Commission's recent appointment of members to the District of Columbia Advisory Committee; to the Committee on the Judiciary.

EC–4899. A communication from the Acting Staff Director, U.S. Commission on Civil Rights, transmitting, pursuant to law, a report relative to the Commission's recent appointment of members to the South Carolina Advisory Committee; to the Committee on the Judiciary.

EC–4900. A communication from the Chairman, Federal Election Commission, transmitting, pursuant to law, a report relative to its budget request for fiscal year 2009; to the Committee on Rules and Administration.

EC–4901. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Change in Disease Status of Surrey County, England, Because of Foot-and-Mouth Disease'' (Docket No. APHIS–2007–0124) received on January 31, 2008; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4902. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Mexican Fruit Fly; Removal of Quarantined Area'' (Docket No. APHIS–2007–0129) received on January 31, 2008; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4903. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting,

pursuant to law, the report of a rule entitled ''Inert Ingredients: Denial of Pesticide Petitions 2E6491, 7E4810, and 7E4811'' (FRL No. 8342-4) received on February 4, 2008; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4904. A communication from the Assistant Secretary of Defense (Homeland Defense and Americas' Security Affairs), transmitting, pursuant to law, a report relative to assistance provided by the Department to civilian sporting events during calendar year 2007; to the Committee on Armed Services.

EC–4905. A communication from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, a report relative to service charges imposed on one component of the Department for purchases made through another component of the Department; to the Committee on Armed Services.

EC–4906. A communication from the Under Secretary of Defense (Comptroller), transmitting, pursuant to law, a report entitled ''Acceptance of Contributions for Defense Programs, Projects, and Activities; Defense Cooperation Account''; to the Committee on Armed Services.

EC–4907. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency that was declared in Executive Order 13441 with respect to Lebanon; to the Committee on Banking, Housing, and Urban Affairs.

EC–4908. A communication from the President of the United States, transmitting, pursuant to law, a report on the continuation of the national emergency that was declared with respect to the conflict in the Cote d'Ivoire; to the Committee on Banking, Housing, and Urban Affairs.

EC–4909. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Suspension of Community Eligibility'' (72 FR 73651) received on January 31, 2008; to the Committee on Banking, Housing, and Urban Affairs.

EC–4910. A communication from the Secretary, Federal Trade Commission, transmitting, pursuant to law, the report of a rule entitled ''Rule Concerning Disclosures Regarding Energy Consumption and Water Use of Certain Home Appliances and other Products Required Under the Energy Policy and Conservation Act'' (RIN 3084-AA74) received on February 5, 2008; to the Committee on Commerce, Science, and Transportation.

EC–4911. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures (28); Amdt. No. 3247'' (RIN 2120-AA65) received on February 4, 2008; to the Committee on Commerce, Science, and Transportation.

EC–4912. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Part 95 Instrument Flight Rules (18); Amdt. No. 471'' (RIN 2120-AA63) received on February 4, 2008; to the Committee on Commerce, Science, and Transportation.

EC–4913. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures (1); Amdt. No. 3246'' (RIN 2120-AA65) received on February 4, 2008; to the Committee on Commerce, Science, and Transportation.

EC–4914. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures (3); Amdt. No. 3248'' (RIN 2120-AA65) received on February 4, 2008; to the Committee on Commerce, Science, and Transportation.

EC–4915. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class E Airspace; Du Bois, PA'' ((RIN 2120-AA66)(Docket No. 05-AEA-17)) received on February 4 , 2008; to the Committee on Commerce, Science, and Transportation.

EC–4916. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class E Airspace; Aguadilla, PR'' ((RIN 2120-AA66)(Docket No. 07-ASO-22)) received on February 4, 2008; to the Committee on Commerce, Science, and Transportation.

EC–4917. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures (97); Amdt. No. 3245'' (RIN 2120-AA65) received on February 4, 2008; to the Committee on Commerce, Science, and Transportation.

EC–4918. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class E Airspace; Williamsport, PA'' ((RIN 2120-AA66)(Docket No. 05-AEA-19)) received on February 4, 2008; to the Committee on Commerce, Science, and Transportation.

EC–4919. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace; Hailey, ID'' ((RIN 2120-AA66)(Docket No. 07-ANM-8)) received on February 4, 2008; to the Committee on Commerce, Science, and Transportation.

EC–4920. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace; Beaver, UT'' ((RIN 2120-AA66)(Docket No. 06-ANM-12)) received on February 4, 2008; to the Committee on Commerce, Science, and Transportation.

EC–4921. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace; Muncy, PA'' ((RIN 2120-AA66)(Docket No. 07-AEA-08)) received on February 4, 2008; to the Committee on Commerce, Science, and Transportation.

EC–4922. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace; Tappahannock, VA'' ((RIN 2120-AA66)(Docket No. 07-AEA-04)) received on February 4, 2008; to the Committee on Commerce, Science, and Transportation.

EC–4923. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class E Airspace; St. Mary's, PA'' ((RIN 2120-AA66)(Docket No. 05-AEA-20)) received on February 4, 2008; to the Committee on Commerce, Science, and Transportation.

EC–4924. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Class E Airspace; Lee's Summit, MO'' ((RIN 2120-AA66)(Docket No. 07-ACE-10)) received on February 4, 2008; to the Committee on Commerce, Science, and Transportation.

EC–4925. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Class E Airspace; Fort Scott, KS'' ((RIN 2120-AA66)(Docket No. 07-ACE-8)) received on February 4, 2008; to the Committee on Commerce, Science, and Transportation.

EC–4926. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class E Airspace; Philipsburg, PA'' ((RIN 2120-AA66)(Docket No. 05-AEA-21)) received on February 4, 2008; to the Committee on Commerce, Science, and Transportation.

EC–4927. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class E Airspace; Pottsville, PA'' ((RIN2120–AA66)(Docket No. 05–AEA–18)) received on February 4, 2008; to the Committee on Commerce, Science, and Transportation.

EC–4928. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Eclipse Aviation Corporation Model EA500 Airplanes'' ((RIN2120–AA64)(Docket No. 2007–CE–083)) received on February 4, 2008; to the Committee on Commerce, Science, and Transportation.

EC–4929. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Boeing Model 747–100B SUD, 747–200B, 747–300, 747–400, and 747–400D Series Airplanes'' ((RIN2120–AA64)(Docket No. 2007–NM–306)) received on February 4, 2008; to the Committee on Commerce, Science, and Transportation.

EC–4930. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; CFM International, S.A. CFM56–5C4/1 Series Turbofan Engines'' ((RIN2120–AA64)(Docket No. 2001–NE–15)) received on February 4, 2008; to the Committee on Commerce, Science, and Transportation.

EC–4931. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Bell Helicopter Textron Canada Model 206A and 206B Helicopters'' ((RIN2120–AA64)(Docket No. 2007–SW–14)) received on February 4, 2008; to the Committee on Commerce, Science, and Transportation.

EC–4932. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Boeing Model 737–100, –200, –200C, –300, –400, and –500 Series Airplanes'' ((RIN2120–AA64)(Docket No. 2007–NM–221)) received on February 4, 2008; to the Committee on Commerce, Science, and Transportation.

EC–4933. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Bell Helicopter Textron Canada Limited Model 206A, 206B, 206L, 206L–1, 206L–3, 206L–4, 222, 222B, 222U, 230, 407, 427, and 430 Helicopters'' ((RIN2120–AA64)(Docket No. 2007–SE–36)) received on February 4, 2008; to the Committee on Commerce, Science, and Transportation.

EC–4934. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Cessna Aircraft Company, Model 525B Airplanes'' ((RIN2120–AA64)(Docket No. 2007–CE–085)) received on February 4, 2008; to the Committee on Commerce, Science, and Transportation.

EC–4935. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Diamond Aircraft Industries Model DA 42 Airplanes'' ((RIN2120–AA64)(Docket No. 2007–CE–067)) received on February 4, 2008; to the Committee on Commerce, Science, and Transportation.

EC–4936. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Aeromot-Industria Mecanico Metalurgica Ltda. Model AMT–100/200/200S/300 Gliders'' ((RIN2120–AA64)(Docket No. 2007–CE–066)) received on February 4, 2008; to the Committee on Commerce, Science, and Transportation.

EC–4937. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Bell Helicopter Textron, Inc. Model 204B, 205A, 205A–1, 205B, 210, 212, 412, 412EP, and 412CF Helicopters'' ((RIN2120–AA64)(Docket No. 2007–SW–37)) received on February 4, 2008; to the Committee on Commerce, Science, and Transportation.

EC–4938. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures (68); Amdt. No. 3241'' (RIN2120–AA65) received on February 4, 2008; to the Committee on Commerce, Science, and Transportation.

EC–4939. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures (101); Amdt. No. 3243'' (RIN2120–AA65) received on February 4, 2008; to the Committee on Commerce, Science, and Transportation.

EC–4940. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures (8); Amdt. No. 3244'' (RIN2120–AA65) received on February 4, 2008; to the Committee on Commerce, Science, and Transportation.

EC–4941. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures (67); Amdt. No. 3249'' (RIN2120–AA65) received on February 4, 2008; to the Committee on Commerce, Science, and Transportation.

EC–4942. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Bell Helicopter Textron Canada Model 206A and 206B Series Helicopters'' ((RIN2120–AA64)(Docket No. 2007–SW–12)) received on February 4, 2008; to the Committee on Commerce, Science, and Transportation.

EC–4943. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Bell Helicopter Textron, Inc. Model 205A, 205A–1, 205B, 212, 412, 412CF, and 412EP Helicopters'' ((RIN2120–AA64)(Docket No. 2005–SW–37)) received on February 4, 2008; to the Committee on Commerce, Science, and Transportation.

EC–4944. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Rolls-Royce plc RB211 Trent 768–60, 772–60, 772B–60, and 772C–60 Turbofan Engines'' ((RIN2120–AA64)(Docket No. 2007–NE–28)) received on February 4, 2008; to the Committee on Commerce, Science, and Transportation.

EC–4945. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Fokker Model F.28 Mark 0070 and 0100 Airplanes'' ((RIN2120–AA64)(Docket No. 2007–NM–133)) received on February 4, 2008; to the Committee on Commerce, Science, and Transportation.

EC–4946. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Airbus Model A300–600 Series Airplanes'' ((RIN2120–AA64)(Docket No. 2006–NM–218)) received on February 4, 2008; to the Committee on Commerce, Science, and Transportation.

EC–4947. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Boeing Model 757–200, –200PF, and –200CB Series Airplanes'' ((RIN2120–AA64)(Docket No. FAA–2007–27560)) received on February 4, 2008; to the Committee on Commerce, Science, and Transportation.

EC–4948. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Airbus Model A300 Series Airplanes'' ((RIN2120–AA64) (Docket No. 2006–NM–182)) received on February 4, 2008; to the Committee on Commerce, Science, and Transportation.

EC–4949. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Airbus Model A330 Airplanes'' ((RIN2120–AA64)(Docket No. 2007–NM–229)) received on February 4, 2008; to the Committee on Commerce, Science, and Transportation.

EC–4950. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Airbus Model A330–200, A330–300, A340–200, A340–300, A340–500, and A340–600 Series Airplanes'' ((RIN2120–AA64)(Docket No. 2007–NM–241)) received on February 4, 2008; to the Committee on Commerce, Science, and Transportation.

EC–4951. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Goodrich Evacuation Systems Approved Under Technical Standard Order TSO–C69b and Installed on Airbus Model A330–200 and –300 Series Airplanes, Model A340–200 and –300 Series Airplanes, and Model A340–541 and –642 Airplanes'' ((RIN2120–AA64)(Docket No. 2007–NM–035)) received on February 4, 2008; to the Committee on Commerce, Science, and Transportation.

EC–4952. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; CTRM Aviation Sdn. Bhd. Model Eagle 150B Airplanes'' ((RIN2120–AA64)(Docket No. 2007–CE–069)) received on February 4, 2008; to the Committee on Commerce, Science, and Transportation.

EC–4953. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; EADS SOCATA Model TBM 700 Airplanes'' ((RIN2120–AA64)(Docket No. 2007–CE–081)) received on February 4, 2008; to the Committee on Commerce, Science, and Transportation.

EC–4954. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Airbus Model A330 Airplanes'' ((RIN2120–AA64)(Docket No. 2007–NM–229)) received on February 4, 2008; to the Committee on Commerce, Science, and Transportation.

EC–4955. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Boeing Model 707 Airplanes and Model 720 and 720B Series Airplanes'' ((RIN2120–AA64)(Docket No. 2007–NM–010)) received on February 4, 2008; to the Committee on Commerce, Science, and Transportation.

EC–4956. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Boeing Model 747–400, 747–400D, and 747–400F Series Airplanes; Model 757–200 Series Airplanes; and Model 767–200, 767–300, and 767–300F Series Airplanes'' ((RIN2120–AA64)(Docket No. 2007–NM–088)) received on February 4, 2008; to the Committee on Commerce, Science, and Transportation.

EC–4957. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Cessna Model 560 Airplanes'' ((RIN2120–AA64)(Docket No. 2007–NM–234)) received on February 4, 2008; to the Committee on Commerce, Science, and Transportation.

EC–4958. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Boeing Model 767–200, –300, and –300F Series Airplanes'' ((RIN2120–AA64)(Docket No. 2007–NM–108)) received on February 4, 2008; to the Committee on Commerce, Science, and Transportation.

EC–4959. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Boeing Model 777 Airplanes'' ((RIN2120–AA64)(Docket No. 2005–NM–164)) received on

February 4, 2008; to the Committee on Commerce, Science, and Transportation.

EC–4960. A communication from the Assistant Chief Counsel for Hazardous Materials Safety, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Hazardous Materials; Miscellaneous Amendments'' (RIN2137–AE10) received on February 4, 2008; to the Committee on Commerce, Science, and Transportation.

## EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. LEVIN for the Committee on Armed Services.

Air Force nominations beginning with Colonel Mark A. Ediger and ending with Colonel Daniel O. Wyman, which nominations were received by the Senate and appeared in the Congressional Record on December 11, 2007.

Air Force nomination of Brig. Gen. Cecil R. Richardson, 3790, to be Major General.

Air Force nomination of Col. Robert G. Kenny, to be Brigadier General.

Air Force nominations beginning with Col. Daniel P. Gillen and ending with Col. Michael J. Yaszemski, which nominations were received by the Senate and appeared in the Congressional Record on January 23, 2008.

Air Force nominations beginning with Brigadier General Robert Benjamin Bartlett and ending with Brigadier General James T. Rubeor, which nominations were received by the Senate and appeared in the Congressional Record on January 23, 2008.

Air Force nominations beginning with Colonel Robert S. Arthur and ending with Colonel Paul L. Sampson, which nominations were received by the Senate and appeared in the Congressional Record on January 23, 2008.

Air Force nomination of Lt. Gen. Douglas M. Fraser, 7505, to be Lieutenant General.

Navy nomination of Rear Adm. Mark E. Ferguson III, 0136, to be Vice Admiral.

Navy nomination of Vice Adm. John C. Harvey, Jr., 4323, to be Vice Admiral.

Army nomination of Maj. Gen. Joseph F. Fil, Jr., 0990, to be Lieutenant General.

Mr. LEVIN. Mr. President, for the Committee on Armed Services I report favorably the following nomination lists which were printed in the RECORDS on the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

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

Air Force nomination of Chevalier P. Cleaves, 6145, to be Colonel.

Air Force nomination of Jawn M. Sischo, 6607, to be Colonel.

Air Force nomination of Joaquin Sariego, 0059, to be Colonel.

Air Force nominations beginning with John A. Calcaterra, Jr. and ending with Maria D. Rodriguezrodriguez, which nominations were received by the Senate and appeared in the Congressional Record on January 23, 2008.

Air Force nominations beginning with Jerry Alan Arends and ending with Billy L. Little, Jr., which nominations were received by the Senate and appeared in the Congressional Record on January 23, 2008.

Air Force nominations beginning with Donnie W. Bethel and ending with Mitchel Neurock, which nominations were received by the Senate and appeared in the Congressional Record on January 23, 2008.

Air Force nominations beginning with Paul A. Abson and ending with Philip A. Sweet, which nominations were received by the Senate and appeared in the Congressional Record on January 23, 2008.

Air Force nominations beginning with Mari L. Archer and ending with Gilbert W. Wolfe, which nominations were received by the Senate and appeared in the Congressional Record on January 23, 2008.

Air Force nominations beginning with William A. Beyers III and ending with Ross A. Ziegler, which nominations were received by the Senate and appeared in the Congressional Record on January 23, 2008.

Air Force nominations beginning with Robert R. Cannon and ending with Lyle E. Von Seggern, which nominations were received by the Senate and appeared in the Congressional Record on January 23, 2008.

Air Force nominations beginning with Vito Emil Addabbo and ending with James A. Zietlow, which nominations were received by the Senate and appeared in the Congressional Record on January 23, 2008.

Air Force nominations beginning with Azad Y. Keval and ending with Troy L. Sullivan III, which nominations were received by the Senate and appeared in the Congressional Record on January 23, 2008.

Air Force nomination of Lance A. Avery, 7092, to be Lieutenant Colonel.

Air Force nominations beginning with Billy R. Morgan and ending with Joseph R. Lowe, which nominations were received by the Senate and appeared in the Congressional Record on January 23, 2008.

Air Force nomination of Inaam A. Pedalino, 4601, to be Major.

Air Force nominations beginning with Demea A. Alderman and ending with Philip H. Wang, which nominations were received by the Senate and appeared in the Congressional Record on January 23, 2008.

Air Force nomination of Theresa D. Clark, 1549, to be Major.

Air Force nominations beginning with Lee E. Ackley and ending with Clayton D. Wilson III, which nominations were received by the Senate and appeared in the Congressional Record on January 23, 2008.

Air Force nominations beginning with Said R. Acosta and ending with Cynthia F. Yap, which nominations were received by the Senate and appeared in the Congressional Record on January 23, 2008.

Air Force nominations beginning with Jason E. Macdonald and ending with Derek P. Mims, which nominations were received by the Senate and appeared in the Congressional Record on January 23, 2008.

Army nominations beginning with Gerald K. Bebber and ending with Phillip F. Wright, which nominations were received by the Senate and appeared in the Congressional Record on September 27, 2007.

Army nominations beginning with Manuel Pozoalonso and ending with Rachelle A. Retoma, which nominations were received by the Senate and appeared in the Congressional Record on December 19, 2007.

Army nomination of Jeffrey P. Short, 6976, to be Major.

Army nomination of Saqib Ishteeaque, 7038, to be Major.

Army nominations beginning with Wanda L. Horton and ending with Ruth Slamen, which nominations were received by the Senate and appeared in the Congressional Record on January 23, 2008.

Army nominations beginning with David J. Barillo and ending with Ian D. Cole, which nominations were received by the Senate and appeared in the Congressional Record on January 23, 2008.

Army nomination of Joseph B. Dore, 0588, to be Colonel.

Army nomination of William J. Hersh, 6277, to be Colonel.

Army nomination of James C. Cummings, 8883, to be Colonel.

Army nomination of Eugene W. Gavin, 0749, to be Colonel.

Army nominations beginning with Bruce H. Bahr and ending with George R. Gwaltney, which nominations were received by the Senate and appeared in the Congressional Record on January 23, 2008. (minus 1 nominee: Allen D. Ferry)

Army nominations beginning with David A. Brant and ending with Corliss Gadsden, which nominations were received by the Senate and appeared in the Congressional Record on January 23, 2008.

Army nominations beginning with Harold A. Felton and ending with Arland O. Haney, which nominations were received by the Senate and appeared in the Congressional Record on January 23, 2008.

Army nominations beginning with Anne M. Bauer and ending with Jo A. Mcelligott, which nominations were received by the Senate and appeared in the Congressional Record on January 23, 2008.

Army nominations beginning with Deborah G. Davis and ending with Debra M. Simpson, which nominations were received by the Senate and appeared in the Congressional Record on January 23, 2008.

Army nominations beginning with Ruben Alvero and ending with Hae S. Yuo, which nominations were received by the Senate and appeared in the Congressional Record on January 23, 2008.

Army nominations beginning with Ronald L. Bonheur and ending with David S. Werner, which nominations were received by the Senate and appeared in the Congressional Record on January 23, 2008.

Army nominations beginning with Gerard P. Curran and ending with Mark Tranovich, which nominations were received by the Senate and appeared in the Congressional Record on January 23, 2008.

Army nominations beginning with Jeffrey A. Weiss and ending with Richard E. Wolfert, which nominations were received by the Senate and appeared in the Congressional Record on January 23, 2008.

Army nominations beginning with Charles S. Oleary and ending with Gary B. Tooley, which nominations were received by the Senate and appeared in the Congressional Record on January 23, 2008.

Army nominations beginning with Patrick S. Allison and ending with Shaofan K. Xu, which nominations were received by the Senate and appeared in the Congressional Record on January 23, 2008.

Army nominations beginning with Edward B. Browning and ending with Billie J. Wisdom, Jr., which nominations were received by the Senate and appeared in the Congressional Record on January 23, 2008.

Army nominations beginning with Sandra G. Apostolos and ending with Marilyn Yergler, which nominations were received by the Senate and appeared in the Congressional Record on January 23, 2008.

Army nomination of Orlando Salinas, 6967, to be Colonel.

Army nomination of Debra D. Rice, 3633, to be Colonel.

Army nomination of Robert J. Mouw, 4121, to be Colonel.

Army nomination of Rabi L. Singh, 2515, to be Major.

Marine Corps nomination of Lester W. Thompson, 5198, to be Major.

Marine Corps nominations beginning with Russell L. Bergeman and ending with James K. Walker, which nominations were received by the Senate and appeared in the Congressional Record on January 23, 2008.

Navy nomination of Thomas J. Harvan, 5049, to be Captain.

Navy nomination of John G. Bruening, 7092, to be Captain.

Navy nomination of John M. Dorey, 3429, to be Captain.

Navy nominations beginning with Thomas P. Carroll and ending with Gary V. Pascua, which nominations were received by the Senate and appeared in the Congressional Record on January 23, 2008.

Navy nominations beginning with David J. Robillard and ending with Sherry W. Wangwhite, which nominations were received by the Senate and appeared in the Congressional Record on January 23, 2008.

Navy nomination of Michael V. Misiewicz, 7171, to be Commander.

Navy nomination of John A. Bowman, 5721, to be Lieutenant Commander.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

## 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. SCHUMER:

S. 2594. A bill to amend title I of the Higher Education Act of 1965 regarding institution financial aid offer form requirements; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. FEINSTEIN (for herself and Mr. MARTINEZ):

S. 2595. A bill to create a national licensing system for residential mortgage loan originators, to develop minimum standards of conduct to be enforced by State regulators, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. DEMINT (for himself, Mr. COBURN, Mr. INHOFE, Mr. CORNYN, Mr. VITTER, and Mr. CHAMBLISS):

S. 2596. A bill to rescind funds appropriated by the Consolidated Appropriations Act, 2008, for the City of Berkeley, California, and any entities located in such city, and to provide that such funds shall be transferred to the Operation and Maintenance, Marine Corps account of the Department of Defense for the purposes of recruiting; read the first time.

By Mr. LUGAR:

S. 2597. A bill to authorize the extension of nondiscriminatory treatment (normal trade relations treatment) to the products of Moldova; to the Committee on Finance.

By Mr. DORGAN (for himself, Mr. BINGAMAN, Mr. LEVIN, Mr. KERRY, Ms. COLLINS, Mr. LIEBERMAN, and Mr. WYDEN):

S. 2598. A bill to increase the supply and lower the cost of petroleum by temporarily suspending the acquisition of petroleum for the Strategic Petroleum Reserve; to the Committee on Energy and Natural Resources.

By Mr. CORKER (for himself and Mrs. MCCASKILL):

S. 2599. A bill to provide enhanced education and employment opportunities for military spouses; to the Committee on Finance.

By Mr. HARKIN (for himself and Mr. GRASSLEY):

S. 2600. A bill to provide for the designation of a single ZIP code for Windsor Heights, Iowa; to the Committee on Homeland Security and Governmental Affairs.

By Ms. CANTWELL (for herself and Mrs. MURRAY):

S. 2601. A bill to require the Secretary of Agriculture to convey to King and Kittitas Counties Fire District No. 51 a certain parcel of real property for use as a site for a new Snoqualmie Pass fire and rescue station; to the Committee on Energy and Natural Resources.

By Mr. SALAZAR:

S. 2602. A bill to amend the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2008, to terminate the authority of the Secretary of the Treasury to deduct amounts from certain States; 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 Mr. BIDEN (for himself, Ms. MURKOWSKI, and Mr. HAGEL):

S. Res. 444. A resolution expressing the sense of the Senate regarding the strong alliance that has been forged between the United States and the Republic of Korea and congratulating Myung-Bak Lee on his election to the presidency of the Republic of Korea; to the Committee on Foreign Relations.

By Mr. DURBIN:

S. Con. Res. 65. A concurrent resolution celebrating the birth of Abraham Lincoln and recognizing the prominence the Declaration of Independence played in the development of Abraham Lincoln's beliefs; to the Committee on the Judiciary.

## ADDITIONAL COSPONSORS

S. 37

At the request of Mr. DOMENICI, the name of the Senator from Tennessee (Mr. ALEXANDER) was added as a cosponsor of S. 37, a bill to enhance the management and disposal of spent nuclear fuel and high-level radioactive waste, to assure protection of public health safety, to ensure the territorial integrity and security of the repository at Yucca Mountain, and for other purposes.

S. 573

At the request of Ms. STABENOW, the name of the Senator from Hawaii (Mr. INOUYE) 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. 1084

At the request of Mr. AKAKA, his name was added as a cosponsor of S. 1084, a bill to provide housing assistance for very low-income veterans.

S. 1175

At the request of Mr. DURBIN, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 1175, a bill to end the use of child soldiers in hostilities around the world, and for other purposes.

S. 1514

At the request of Mr. DODD, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 1514, a bill to revise and extend provisions under the Garrett Lee Smith Memorial Act.

S. 1818

At the request of Mr. OBAMA, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 1818, a bill to amend the Toxic Substances Control Act to phase out the use of mercury in the manufacture of chlorine and caustic soda, and for other purposes.

S. 1926

At the request of Mr. DODD, the names of the Senator from Maryland (Ms. MIKULSKI), the Senator from North Dakota (Mr. DORGAN) and the Senator from Ohio (Mr. BROWN) were added as cosponsors of S. 1926, a bill to establish the National Infrastructure Bank to provide funding for qualified infrastructure projects, and for other purposes.

S. 2071

At the request of Mrs. FEINSTEIN, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 2071, a bill to enhance the ability to combat methamphetamine.

S. 2275

At the request of Mrs. FEINSTEIN, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 2275, a bill to prohibit the manufacture, sale, or distribution in commerce of certain children's products and child care articles that contain phthalates, and for other purposes.

S. 2296

At the request of Mr. SCHUMER, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 2296, a bill to provide for improved disclosures by all mortgage lenders at the loan approval and settlement stages of all mortgage loans.

S. 2439

At the request of Mr. MENENDEZ, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 2439, a bill to require the National Incident Based Reporting System, the Uniform Crime Reporting Program, and the Law Enforcement National Data Exchange Program to list cruelty to animals as a separate offense category.

S. 2549

At the request of Mrs. CLINTON, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 2549, a bill to require the Administrator of the Environmental Protection Agency to establish an Interagency Working Group on Environmental Justice to provide guidance to Federal agencies on the development of criteria for identifying disproportionately high and adverse human health or environmental effects on minority populations and low-income populations, and for other purposes.

S. 2586

At the request of Mr. ROCKEFELLER, the name of the Senator from Washington (Ms. CANTWELL) was added as a

cosponsor of S. 2586, a bill to provide States with fiscal relief through a temporary increase in the Federal medical assistance percentage and direct payments to States.

S. RES. 432

At the request of Mr. BIDEN, the names of the Senator from Georgia (Mr. CHAMBLISS) and the Senator from Oregon (Mr. SMITH) 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.

AMENDMENT NO. 3910

At the request of Mrs. FEINSTEIN, the name of the Senator from Colorado (Mr. SALAZAR) was added as a cosponsor of amendment No. 3910 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. 3927

At the request of Mr. SPECTER, the names of the Senator from Michigan (Mr. LEVIN) and the Senator from Maryland (Mr. CARDIN) were added as cosponsors of amendment No. 3927 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. 3930

At the request of Mr. DURBIN, his name was added as a cosponsor of amendment No. 3930 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. 3978

At the request of Mr. WYDEN, the names of the Senator from New York (Mrs. CLINTON), the Senator from Vermont (Mr. SANDERS), the Senator from Rhode Island (Mr. REED) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of amendment No. 3978 intended to be proposed to H.R. 5140, a bill to provide economic stimulus through recovery rebates to individuals, incentives for business investment, and an increase in conforming and FHA loan limits.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. FEINSTEIN (for herself and Mr. MARTINEZ):

S. 2595. A bill to create a national licensing system for residential mortgage loan originators, to develop minimum standards of conduct to be enforced by State regulators, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Mrs. FEINSTEIN. Mr. President, I rise today on behalf of myself and Senator MARTINEZ to introduce legislation that takes a major step forward in curbing the abusive lending practices which contributed to the subprime mortgage crisis. With foreclosures at record levels, the housing market in steady decline, a global credit crunch, and the economy nearing recession, it is imperative that we act quickly to restore confidence in the American dream of home ownership.

Our legislation will eliminate bad actors from the mortgage business, and require that brokers and lenders meet minimum national standards which ensure they are professional, competent, and trustworthy.

First, it would create a comprehensive database of all residential mortgage loan originators. This includes mortgage brokers and lenders, as well as loan officers of national banks and their subsidiaries.

Second, it would establish national licensing standards to ensure that mortgage brokers and lenders are trained in legal aspects of lending, ethics, and consumer protection.

Our bill is similar to H.R. 3012, introduced in the House by Representative SPENCER BACHUS, the Ranking Member of the House Committee on Financial Services. The national licensing concept for loan originators has enjoyed bipartisan support and was included in the comprehensive mortgage reform bill, H.R. 3915, which recently passed the House.

A combination of low interest rates and sophisticated mortgage products, among other factors, helped increase home ownership to record levels just 3 years ago.

Subprime and exotic mortgages allowed millions of Americans—many with little or no down payment and questionable credit—to purchase homes by using adjustable-rate products with low initial monthly payments.

There was explosive growth in the use of these sub-prime loans: in just 2 years, from 2004 to 2006, the number of subprime mortgages in California increased 110 percent, from 273,000 to 573,000—29.4 percent of total mortgages in the State.

While the majority of lenders and brokers offered these mortgages in a responsible fashion, many others relied upon predatory lending tactics to place unsuspecting borrowers in mortgages they could not afford. Competitive pressures and lax oversight resulted in loans of increasingly poor quality being written.

To make matters worse, consumers were not adequately protected from bad actors in the mortgage industry.

The FBI recently reported that complaints of mortgage fraud have skyrocketed over the last few years.

In 2003, the number of suspicious activity reports reviewed by the FBI economic crimes unit numbered 3,000. The number of mortgage fraud complaints increased to 48,000 last year, representing a jump of 1500 percent.

Most mortgage brokers and non-bank lenders are only lightly regulated by State agencies. Standards of accountability have not kept pace with the increasing sophistication of the mortgage industry.

As adjustable-rate mortgages reset to higher rates, many American families find themselves in homes they can no longer afford. The percentage of homeowners currently behind on their mortgage payments is at its highest level in 21 years.

Mr. President, 2.2 million homeowners filed for foreclosure last year and many lenders have gone out of business or sought bankruptcy protection.

It is projected that as many as 2 million Americans will be forced to file for foreclosure before this crisis abates, representing $160 billion in lost equity. The Center for Responsible Lending has projected that one out of every five subprime loans issued between 2005 and 2006 will fail.

California has been especially hard hit. Mr. President, 5 of the 10 metropolitan areas with the highest foreclosure rate in the Nation are in California. The foreclosure rate in California is roughly twice the national average, with 1 foreclosure filing for every 258 households in the State.

Lenders repossessed 84,375 California homes last year, a sixfold increase from 12,672 in 2006. Default notices—the initial step in the foreclosure process—increased 143 percent between 2006 and 2007, rising from 104,977 in 2006 to 254,824 in 2007. In San Diego County alone, foreclosures were up 353 percent in 2007.

According to the FBI economic crimes unit, California has been identified as one of the top 10 ''mortgage fraud hot spots'' in the Nation.

American families are hurting, and Californians are at the center of the storm. With close to 500,000 adjustable-rate mortgages scheduled to reset in California over the next 2 years, the situation is likely to worsen in 2008.

The subprime mortgage crisis has threatened both the global economy and the American dream of home ownership. Accountability, professional standards, and oversight must be enhanced for everyone in the mortgage industry.

This bill will make it so, and will help to ensure such a crisis never happens again.

Specifically, the S.A.F.E. Mortgage Licensing Act would require that all residential mortgage loan originators are licensed, providing fingerprints, a summary of work experience, and consent for a background check to authorities.

Additionally, minimum criteria are established that individuals must meet to obtain a license, including: no felony

convictions; no similar license revoked; a demonstrated record of financial responsibility; successful completion of education requirements, 20 hours of approved courses, to include at least 3 hours related to Federal laws, 4 hours on ethics and consumer protection in mortgage lending, and 2 hours on the subprime mortgage marketplace; and, passage of a written exam, the exam must be at least 100 questions and a minimum score of 75 percent is required to pass.

The Federal Reserve, Treasury, and Federal Deposit Insurance Corporation must also register all residential mortgage loan originators employed by national banks.

Lastly, State regulators must develop a satisfactory licensing system within 1 year following enactment of this legislation.

If this does not occur, the Housing and Urban Development Secretary is empowered to develop the national registry and license, generating revenue for its implementation through fees to license applicants.

The subprime mortgage crisis is wreaking havoc on American homeowners and the national economy. The damage is truly staggering—more than 2 million foreclosure filings last year and another 2 million expected before this year is over.

Many Americans simply cannot keep pace with adjustable-rate mortgages that are resetting, and some were steered into these obligations by unscrupulous actors.

It is essential that this body take action to address some of the factors that got us here.

This legislation does not assign blame, but rather provides a workable solution to protect homebuyers and begin to restore confidence in the American dream of homeownership.

I hope that my colleagues will join us in moving this important bill through the Senate quickly.

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. 2595

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

**SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

(a) SHORT TITLE.—This Act may be cited as the ''Secure and Fair Enforcement for Mortgage Licensing Act of 2008'' or ''S.A.F.E. Mortgage Licensing Act of 2008''.

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

Sec. 1. Short title; table of contents.
Sec. 2. Purposes and methods for establishing a mortgage licensing system and registry.
Sec. 3. Definitions.
Sec. 4. License or registration required.
Sec. 5. State license and registration application and issuance.
Sec. 6. Standards for State license renewal.
Sec. 7. System of registration administration by Federal banking agencies.
Sec. 8. Secretary of Housing and Urban Development backup authority to establish a loan originator licensing system.
Sec. 9. Backup authority to establish a nationwide mortgage licensing and registry system.
Sec. 10. Fees.
Sec. 11. Background checks of loan originators.
Sec. 12. Confidentiality of information.
Sec. 13. Liability provisions.
Sec. 14. Enforcement under HUD backup licensing system.
Sec. 15. Preemption of State law.
Sec. 16. Reports and recommendations to Congress.
Sec. 17. Study and reports on defaults and foreclosures

**SEC. 2. PURPOSES AND METHODS FOR ESTABLISHING A MORTGAGE LICENSING SYSTEM AND REGISTRY.**

In order to increase uniformity, reduce regulatory burden, enhance consumer protection, and reduce fraud, the States, through the Conference of State Bank Supervisors and the American Association of Residential Mortgage Regulators, are hereby encouraged to establish a Nationwide Mortgage Licensing System and Registry for the residential mortgage industry that accomplishes all of the following objectives:

(1) Provides uniform license applications and reporting requirements for State-licensed loan originators.

(2) Provides a comprehensive licensing and supervisory database.

(3) Aggregates and improves the flow of information to and between regulators.

(4) Provides increased accountability and tracking of loan originators.

(5) Streamlines the licensing process and reduces the regulatory burden.

(6) Enhances consumer protections and supports anti-fraud measures.

(7) Provides consumers with easily accessible information, offered at no charge, utilizing electronic media, including the Internet, regarding the employment history of, and publicly adjudicated disciplinary and enforcement actions against, loan originators.

**SEC. 3. DEFINITIONS.**

For purposes of this Act, the following definitions shall apply:

(1) FEDERAL BANKING AGENCIES.—The term ''Federal banking agencies'' means the Board of Governors of the Federal Reserve System, the Comptroller of the Currency, the Director of the Office of Thrift Supervision, the National Credit Union Administration, and the Federal Deposit Insurance Corporation.

(2) DEPOSITORY INSTITUTION.—The term ''depository institution'' has the same meaning as in section 3 of the Federal Deposit Insurance Act, and includes any credit union.

(3) LOAN ORIGINATOR.—

(A) IN GENERAL.—The term ''loan originator''—

(i) means an individual who—

(I) takes a residential mortgage loan application;

(II) assists a consumer in obtaining or applying to obtain a residential mortgage loan; or

(III) offers or negotiates terms of a residential mortgage loan, for direct or indirect compensation or gain, or in the expectation of direct or indirect compensation or gain;

(ii) includes any individual who represents to the public, through advertising or other means of communicating or providing information (including the use of business cards, stationery, brochures, signs, rate lists, or other promotional items), that such individual can or will provide or perform any of the activities described in clause (i);

(iii) does not include any individual who is not otherwise described in clause (i) or (ii) and who performs purely administrative or clerical tasks on behalf of a person who is described in any such clause.

(iv) does not include a person or entity that only performs real estate brokerage activities and is licensed or registered in accordance with applicable State law, unless the person or entity is compensated by a lender, a mortgage broker, or other loan originator or by any agent of such lender, mortgage broker, or other loan originator.

(B) OTHER DEFINITIONS RELATING TO LOAN ORIGINATOR.—For purposes of this subsection, an individual ''assists a consumer in obtaining or applying to obtain a residential mortgage loan'' by, among other things, advising on loan terms (including rates, fees, other costs), preparing loan packages, or collecting information on behalf of the consumer with regard to a residential mortgage loan.

(C) ADMINISTRATIVE OR CLERICAL TASKS.—The term ''administrative or clerical tasks'' means the receipt, collection, and distribution of information common for the processing or underwriting of a loan in the mortgage industry and communication with a consumer to obtain information necessary for the processing or underwriting of a residential mortgage loan.

(D) REAL ESTATE BROKERAGE ACTIVITY DEFINED.—The term ''real estate brokerage activity'' means any activity that involves offering or providing real estate brokerage services to the public, including—

(i) acting as a real estate agent or real estate broker for a buyer, seller, lessor, or lessee of real property;

(ii) listing or advertising real property for sale, purchase, lease, rental, or exchange;

(iii) providing advice in connection with sale, purchase, lease, rental, or exchange of real property;

(iv) bringing together parties interested in the sale, purchase, lease, rental, or exchange of real property;

(v) negotiating, on behalf of any party, any portion of a contract relating to the sale, purchase, lease, rental, or exchange of real property (other than in connection with providing financing with respect to any such transaction);

(vi) engaging in any activity for which a person engaged in the activity is required to be registered or licensed as a real estate agent or real estate broker under any applicable law; and

(vii) offering to engage in any activity, or act in any capacity, described in clause (i), (ii), (iii), (iv), (v), or (vi).

(4) LOAN PROCESSOR OR UNDERWRITER.—

(A) IN GENERAL.—The term ''loan processor or underwriter'' means an individual who performs clerical or support duties at the direction of and subject to the supervision and instruction of—

(i) a State-licensed loan originator; or

(ii) a registered loan originator.

(B) CLERICAL OR SUPPORT DUTIES.—For purposes of subparagraph (A), the term ''clerical or support duties'' may include—

(i) the receipt, collection, distribution, and analysis of information common for the processing or underwriting of a residential mortgage loan; and

(ii) communicating with a consumer to obtain the information necessary for the processing or underwriting of a loan, to the extent that such communication does not include offering or negotiating loan rates or terms, or counseling consumers about residential mortgage loan rates or terms.

(5) NATIONWIDE MORTGAGE LICENSING SYSTEM AND REGISTRY.—The term ''Nationwide Mortgage Licensing System and Registry'' means a mortgage licensing system developed and maintained by the Conference of State Bank Supervisors and the American

Association of Residential Mortgage Regulators for the State licensing and registration of State-licensed loan originators and the registration of registered loan originators or any system established by the Secretary under section 9.

(6) REGISTERED LOAN ORIGINATOR.—The term ''registered loan originator'' means any individual who—

(A) meets the definition of loan originator and is an employee of a depository institution or a wholly-owned subsidiary of a depository institution; and

(B) is registered with, and maintains a unique identifier through, the Nationwide Mortgage Licensing System and Registry.

(7) RESIDENTIAL MORTGAGE LOAN.—The term ''residential mortgage loan'' means any loan primarily for personal, family, or household use that is secured by a mortgage, deed of trust, or other equivalent consensual security interest on a dwelling (as defined in section 103(v) of the Truth in Lending Act) or residential real estate upon which is constructed or intended to be constructed a dwelling (as so defined).

(8) SECRETARY.—The term ''Secretary'' means the Secretary of Housing and Urban Development.

(9) STATE-LICENSED LOAN ORIGINATOR.—The term ''State-licensed loan originator'' means any individual who—

(A) is a loan originator;

(B) is not an employee of a depository institution or any wholly-owned subsidiary of a depository institution; and

(C) is licensed by a State or by the Secretary under section 8 and registered as a loan originator with, and maintains a unique identifier through, the Nationwide Mortgage Licensing System and Registry.

(10) SUBPRIME MORTGAGE.—The term ''subprime mortgage'' means a residential mortgage loan—

(A) that is secured by real property that is used or intended to be used as a principal dwelling;

(B) that is typically offered to borrowers having weakened credit histories and reduced repayment capacity, as measured by lower credit scores, debt-to-income ratios, and other relevant criteria; and

(C) the characteristics of which may include—

(i) low initial payments based on a fixed introductory rate that expires after a short period and then adjusts to a variable index rate plus a margin for the remaining term of the loan;

(ii) very high or no limits on how much the payment amount or the interest rate may increase (referred to as ''payment caps'' or ''rate caps'') on reset dates;

(iii) limited or no documentation of the income of the borrower;

(iv) product features likely to result in frequent refinancing to maintain an affordable monthly payment; and

(v) substantial prepayment penalties or prepayment penalties that extend beyond the initial fixed interest rate period.

(11) UNIQUE IDENTIFIER.—The term ''unique identifier'' means a number or other identifier that—

(A) permanently identifies a loan originator; and

(B) is assigned by protocols established by the Nationwide Mortgage Licensing System and Registry and the Federal banking agencies to facilitate electronic tracking of loan originators and uniform identification of, and public access to, the employment history of and the publicly adjudicated disciplinary and enforcement actions against loan originators.

**SEC. 4. LICENSE OR REGISTRATION REQUIRED.**

(a) IN GENERAL.—An individual may not engage in the business of a loan originator without first—

(1) obtaining and maintaining, through an annual renewal—

(A) a registration as a registered loan originator; or

(B) a license and registration as a State-licensed loan originator; and

(2) obtaining a unique identifier.

(b) LOAN PROCESSORS AND UNDERWRITERS.—

(1) SUPERVISED LOAN PROCESSORS AND UNDERWRITERS.—A loan processor or underwriter who does not represent to the public, through advertising or other means of communicating or providing information (including the use of business cards, stationery, brochures, signs, rate lists, or other promotional items), that such individual can or will perform any of the activities of a loan originator shall not be required to be a State-licensed loan originator or a registered loan originator.

(2) INDEPENDENT CONTRACTORS.—A loan processor or underwriter may not work as an independent contractor unless such processor or underwriter is a State-licensed loan originator or a registered loan originator.

**SEC. 5. STATE LICENSE AND REGISTRATION APPLICATION AND ISSUANCE.**

(a) BACKGROUND CHECKS.—In connection with an application to any State for licensing and registration as a State-licensed loan originator, the applicant shall, at a minimum, furnish to the Nationwide Mortgage Licensing System and Registry information concerning the applicant's identity, including—

(1) fingerprints for submission to the Federal Bureau of Investigation, and any governmental agency or entity authorized to receive such information for a State and national criminal history background check; and

(2) personal history and experience, including authorization for the System to obtain—

(A) an independent credit report obtained from a consumer reporting agency described in section 603(p) of the Fair Credit Reporting Act; and

(B) information related to any administrative, civil or criminal findings by any governmental jurisdiction.

(b) ISSUANCE OF LICENSE.—The minimum standards for licensing and registration as a State-licensed loan originator shall include the following:

(1) The applicant has never had a loan originator or similar license revoked in any governmental jurisdiction.

(2) The applicant has never been convicted of, or pled guilty or nolo contendere to, a felony in a domestic, foreign, or military court.

(3) The applicant has demonstrated financial responsibility, character, and general fitness such as to command the confidence of the community and to warrant a determination that the loan originator will operate honestly, fairly, and efficiently within the purposes of this Act.

(4) The applicant has completed the pre-licensing education requirement described in subsection (c).

(5) The applicant has passed a written test that meets the test requirement described in subsection (d).

(c) PRE-LICENSING EDUCATION OF LOAN ORIGINATORS.—

(1) MINIMUM EDUCATIONAL REQUIREMENTS.—In order to meet the pre-licensing education requirement referred to in subsection (b)(4), a person shall complete at least 20 hours of education approved in accordance with paragraph (2), which shall include at least—

(A) 3 hours of Federal law and regulations;

(B) 3 hours of ethics, which shall include instruction on fraud, consumer protection, and fair lending issues; and

(C) 2 hours of training related to lending standards for the subprime mortgage marketplace.

(2) APPROVED EDUCATIONAL COURSES.—For purposes of paragraph (1), pre-licensing education courses shall be reviewed, and approved by the Nationwide Mortgage Licensing System and Registry.

(3) LIMITATION AND STANDARDS.—

(A) LIMITATION.—To maintain the independence of the approval process, the Nationwide Mortgage Licensing System and Registry shall not directly or indirectly offer pre-licensure educational courses for loan originators.

(B) STANDARDS.—In approving courses under this section, the Nationwide Mortgage Licensing System and Registry shall apply reasonable standards in the review and approval of courses.

(d) TESTING OF LOAN ORIGINATORS.—

(1) IN GENERAL.—In order to meet the written test requirement referred to in subsection (b)(5), an individual shall pass, in accordance with the standards established under this subsection, a qualified written test developed by the Nationwide Mortgage Licensing System and Registry and administered by an approved test provider.

(2) QUALIFIED TEST.—A written test shall not be treated as a qualified written test for purposes of paragraph (1) unless—

(A) the test consists of a minimum of 100 questions; and

(B) the test adequately measures the applicant's knowledge and comprehension in appropriate subject areas, including—

(i) ethics;

(ii) Federal law and regulation pertaining to mortgage origination;

(iii) State law and regulation pertaining to mortgage origination; and

(iv) Federal and State law and regulation, including instruction on fraud, consumer protection, subprime mortgage marketplace, and fair lending issues.

(3) MINIMUM COMPETENCE.—

(A) PASSING SCORE.—An individual shall not be considered to have passed a qualified written test unless the individual achieves a test score of not less than 75 percent correct answers to questions.

(B) INITIAL RETESTS.—An individual may retake a test 3 consecutive times with each consecutive taking occurring in less than 14 days after the preceding test.

(C) SUBSEQUENT RETESTS.—After 3 consecutive tests, an individual shall wait at least 14 days before taking the test again.

(D) RETEST AFTER LAPSE OF LICENSE.—A State-licensed loan originator who fails to maintain a valid license for a period of 5 years or longer shall retake the test, not taking into account any time during which such individual is a registered loan originator.

(e) MORTGAGE CALL REPORTS.—Each mortgage licensee shall submit to the Nationwide Mortgage Licensing System and Registry reports of condition, which shall be in such form and shall contain such information as the Nationwide Mortgage Licensing System and Registry may require.

**SEC. 6. STANDARDS FOR STATE LICENSE RENEWAL.**

(a) IN GENERAL.—The minimum standards for license renewal for State-licensed loan originators shall include the following:

(1) The loan originator continues to meet the minimum standards for license issuance.

(2) The loan originator has satisfied the annual continuing education requirements described in subsection (b).

(b) CONTINUING EDUCATION FOR STATE-LICENSED LOAN ORIGINATORS.—

(1) IN GENERAL.—In order to meet the annual continuing education requirements referred to in subsection (a)(2), a State-licensed loan originator shall complete at least 8 hours of education approved in accordance with paragraph (2), which shall include at least—

(A) 3 hours of Federal law and regulations;

(B) 2 hours of ethics, which shall include instruction on fraud, consumer protection, and fair lending issues; and

(C) 2 hours of training related to lending standards for the subprime mortgage marketplace.

(2) APPROVED EDUCATIONAL COURSES.—For purposes of paragraph (1), continuing education courses shall be reviewed, and approved by the Nationwide Mortgage Licensing System and Registry.

(3) CALCULATION OF CONTINUING EDUCATION CREDITS.—A State-licensed loan originator—

(A) may only receive credit for a continuing education course in the year in which the course is taken; and

(B) may not take the same approved course in the same or successive years to meet the annual requirements for continuing education.

(4) INSTRUCTOR CREDIT.—A State-licensed loan originator who is approved as an instructor of an approved continuing education course may receive credit for the originator's own annual continuing education requirement at the rate of 2 hours credit for every 1 hour taught.

(5) LIMITATION AND STANDARDS.—

(A) LIMITATION.—To maintain the independence of the approval process, the Nationwide Mortgage Licensing System and Registry shall not directly or indirectly offer any continuing education courses for loan originators.

(B) STANDARDS.—In approving courses under this section, the Nationwide Mortgage Licensing System and Registry shall apply reasonable standards in the review and approval of courses.

**SEC. 7. SYSTEM OF REGISTRATION ADMINISTRATION BY FEDERAL BANKING AGENCIES.**

(a) DEVELOPMENT.—

(1) IN GENERAL.—The Federal banking agencies shall jointly, through the Federal Financial Institutions Examination Council, develop and maintain a system for registering employees of depository institutions or subsidiaries of depository institutions as registered loan originators with the Nationwide Mortgage Licensing System and Registry. The system shall be implemented before the end of the 1-year period beginning on the date of the enactment of this Act.

(2) REGISTRATION REQUIREMENTS.—In connection with the registration of any loan originator who is an employee of a depository institution or a wholly-owned subsidiary of a depository institution with the Nationwide Mortgage Licensing System and Registry, the appropriate Federal banking agency shall, at a minimum, furnish or cause to be furnished to the Nationwide Mortgage Licensing System and Registry information concerning the employees's identity, including—

(A) fingerprints for submission to the Federal Bureau of Investigation, and any governmental agency or entity authorized to receive such information for a State and national criminal history background check; and

(B) personal history and experience, including authorization for the Nationwide Mortgage Licensing System and Registry to obtain information related to any administrative, civil or criminal findings by any governmental jurisdiction.

(b) COORDINATION.—

(1) UNIQUE IDENTIFIER.—The Federal banking agencies, through the Financial Institutions Examination Council, shall coordinate with the Nationwide Mortgage Licensing System and Registry to establish protocols for assigning a unique identifier to each registered loan originator that will facilitate electronic tracking and uniform identification of, and public access to, the employment history of and publicly adjudicated disciplinary and enforcement actions against loan originators.

(2) NATIONWIDE MORTGAGE LICENSING SYSTEM AND REGISTRY DEVELOPMENT.—To facilitate the transfer of information required by subsection (a)(2), the Nationwide Mortgage Licensing System and Registry shall coordinate with the Federal banking agencies, through the Financial Institutions Examination Council, concerning the development and operation, by such System and Registry, of the registration functionality and data requirements for loan originators.

(c) CONSIDERATION OF FACTORS AND PROCEDURES.—In establishing the registration procedures under subsection (a) and the protocols for assigning a unique identifier to a registered loan originator, the Federal banking agencies shall make such de minimis exceptions as may be appropriate to paragraphs (1)(A) and (2) of section 4(a), shall make reasonable efforts to utilize existing information to minimize the burden of registering loan originators, and shall consider methods for automating the process to the greatest extent practicable consistent with the purposes of this Act.

**SEC. 8. SECRETARY OF HOUSING AND URBAN DEVELOPMENT BACKUP AUTHORITY TO ESTABLISH A LOAN ORIGINATOR LICENSING SYSTEM.**

(a) BACK UP LICENSING SYSTEM.—If, by the end of the 1-year period, or the 2-year period in the case of a State whose legislature meets only biennially, beginning on the date of the enactment of this Act or at any time thereafter, the Secretary determines that a State does not have in place by law or regulation a system for licensing and registering loan originators that meets the requirements of sections 5 and 6 and subsection (d) of this section, or does not participate in the Nationwide Mortgage Licensing System and Registry, the Secretary shall provide for the establishment and maintenance of a system for the licensing and registration by the Secretary of loan originators operating in such State as State-licensed loan originators.

(b) LICENSING AND REGISTRATION REQUIREMENTS.—The system established by the Secretary under subsection (a) for any State shall meet the requirements of sections 5 and 6 for State-licensed loan originators.

(c) UNIQUE IDENTIFIER.—The Secretary shall coordinate with the Nationwide Mortgage Licensing System and Registry to establish protocols for assigning a unique identifier to each loan originator licensed by the Secretary as a State-licensed loan originator that will facilitate electronic tracking and uniform identification of, and public access to, the employment history of and the publicly adjudicated disciplinary and enforcement actions against loan originators.

(d) STATE LICENSING LAW REQUIREMENTS.—For purposes of this section, the law in effect in a State meets the requirements of this subsection if the Secretary determines the law satisfies the following minimum requirements:

(1) A State loan originator supervisory authority is maintained to provide effective supervision and enforcement of such law, including the suspension, termination, or nonrenewal of a license for a violation of State or Federal law.

(2) The State loan originator supervisory authority ensures that all State-licensed loan originators operating in the State are registered with Nationwide Mortgage Licensing System and Registry.

(3) The State loan originator supervisory authority is required to regularly report violations of such law, as well as enforcement actions and other relevant information, to the Nationwide Mortgage Licensing System and Registry.

(e) TEMPORARY EXTENSION OF PERIOD.—The Secretary may extend, by not more than 12 months, the 1-year or 2-year period, as the case may be, referred to in subsection (a) for the licensing of loan originators in any State under a State licensing law that meets the requirements of sections 5 and 6 and subsection (d) if the Secretary determines that such State is making a good faith effort to establish a State licensing law that meets such requirements, license mortgage originators under such law, and register such originators with the Nationwide Mortgage Licensing System and Registry.

(f) LIMITATION ON HUD-LICENSED LOAN ORIGINATORS.—Any loan originator who is licensed by the Secretary under a system established under this section for any State may not use such license to originate loans in any other State.

(g) CONTRACTING AUTHORITY.—The Secretary may enter into contracts with qualified independent parties, as necessary to efficiently fulfill the obligations of the Secretary under this Section.

**SEC. 9. BACKUP AUTHORITY TO ESTABLISH A NATIONWIDE MORTGAGE LICENSING AND REGISTRY SYSTEM.**

If at any time the Secretary determines that the Nationwide Mortgage Licensing System and Registry is failing to meet the requirements and purposes of this Act for a comprehensive licensing, supervisory, and tracking system for loan originators, the Secretary shall establish and maintain such a system to carry out the purposes of this Act and the effective registration and regulation of loan originators.

**SEC. 10. FEES.**

The Federal banking agencies, the Secretary, and the Nationwide Mortgage Licensing System and Registry may charge reasonable fees to cover the costs of maintaining and providing access to information from the Nationwide Mortgage Licensing System and Registry, to the extent that such fees are not charged to consumers for access to such system and registry.

**SEC. 11. BACKGROUND CHECKS OF LOAN ORIGINATORS.**

(a) ACCESS TO RECORDS.—Notwithstanding any other provision of law, in providing identification and processing functions, the Attorney General shall provide access to all criminal history information to the appropriate State officials responsible for regulating State-licensed loan originators to the extent criminal history background checks are required under the laws of the State for the licensing of such loan originators.

(b) AGENT.—For the purposes of this section and in order to reduce the points of contact which the Federal Bureau of Investigation may have to maintain for purposes of subsection (a), the Conference of State Bank Supervisors or a wholly owned subsidiary may be used as a channeling agent of the States for requesting and distributing information between the Department of Justice and the appropriate State agencies.

**SEC. 12. CONFIDENTIALITY OF INFORMATION.**

(a) SYSTEM CONFIDENTIALITY.—Except as otherwise provided in this section, any requirement under Federal or State law regarding the privacy or confidentiality of any information or material provided to the Nationwide Mortgage Licensing System and Registry or a system established by the Secretary under section 9, and any privilege

arising under Federal or State law (including the rules of any Federal or State court) with respect to such information or material, shall continue to apply to such information or material after the information or material has been disclosed to the system. Such information and material may be shared with all State and Federal regulatory officials with mortgage industry oversight authority without the loss of privilege or the loss of confidentiality protections provided by Federal and State laws.

(b) NONAPPLICABILITY OF CERTAIN REQUIREMENTS.—Information or material that is subject to a privilege or confidentiality under subsection (a) shall not be subject to—

(1) disclosure under any Federal or State law governing the disclosure to the public of information held by an officer or an agency of the Federal Government or the respective State; or

(2) subpoena or discovery, or admission into evidence, in any private civil action or administrative process, unless with respect to any privilege held by the Nationwide Mortgage Licensing System and Registry or the Secretary with respect to such information or material, the person to whom such information or material pertains waives, in whole or in part, in the discretion of such person, that privilege.

(c) COORDINATION WITH OTHER LAW.—Any State law, including any State open record law, relating to the disclosure of confidential supervisory information or any information or material described in subsection (a) that is inconsistent with subsection (a) shall be superseded by the requirements of such provision to the extent State law provides less confidentiality or a weaker privilege.

(d) PUBLIC ACCESS TO INFORMATION.—This section shall not apply with respect to the information or material relating to the employment history of, and publicly adjudicated disciplinary and enforcement actions against, loan originators that is included in Nationwide Mortgage Licensing System and Registry for access by the public.

**SEC. 13. LIABILITY PROVISIONS.**

The Secretary, any State official or agency, any Federal banking agency, or any organization serving as the administrator of the Nationwide Mortgage Licensing System and Registry or a system established by the Secretary under section 9, or any officer or employee of any such entity, shall not be subject to any civil action or proceeding for monetary damages by reason of the good-faith action or omission of any officer or employee of any such entity, while acting within the scope of office or employment, relating to the collection, furnishing, or dissemination of information concerning persons who are loan originators or are applying for licensing or registration as loan originators.

**SEC. 14. ENFORCEMENT UNDER HUD BACKUP LICENSING SYSTEM.**

(a) SUMMONS AUTHORITY.—The Secretary may—

(1) examine any books, papers, records, or other data of any loan originator operating in any State which is subject to a licensing system established by the Secretary under section 8; and

(2) summon any loan originator referred to in paragraph (1) or any person having possession, custody, or care of the reports and records relating to such loan originator, to appear before the Secretary or any delegate of the Secretary at a time and place named in the summons and to produce such books, papers, records, or other data, and to give testimony, under oath, as may be relevant or material to an investigation of such loan originator for compliance with the requirements of this Act.

(b) EXAMINATION AUTHORITY.—

(1) IN GENERAL.—If the Secretary establishes a licensing system under section 8 for any State, the Secretary shall appoint examiners for the purposes of administering such section.

(2) POWER TO EXAMINE.—Any examiner appointed under paragraph (1) shall have power, on behalf of the Secretary, to make any examination of any loan originator operating in any State which is subject to a licensing system established by the Secretary under section 8 whenever the Secretary determines an examination of any loan originator is necessary to determine the compliance by the originator with this Act.

(3) REPORT OF EXAMINATION.—Each examiner appointed under paragraph (1) shall make a full and detailed report of examination of any loan originator examined to the Secretary.

(4) ADMINISTRATION OF OATHS AND AFFIRMATIONS; EVIDENCE.—In connection with examinations of loan originators operating in any State which is subject to a licensing system established by the Secretary under section 8, or with other types of investigations to determine compliance with applicable law and regulations, the Secretary and examiners appointed by the Secretary may administer oaths and affirmations and examine and take and preserve testimony under oath as to any matter in respect to the affairs of any such loan originator.

(5) ASSESSMENTS.—The cost of conducting any examination of any loan originator operating in any State which is subject to a licensing system established by the Secretary under section 8 shall be assessed by the Secretary against the loan originator to meet the Secretary's expenses in carrying out such examination.

(c) CEASE AND DESIST PROCEEDING.—

(1) AUTHORITY OF SECRETARY.—If the Secretary finds, after notice and opportunity for hearing, that any person is violating, has violated, or is about to violate any provision of this Act, or any regulation thereunder, with respect to a State which is subject to a licensing system established by the Secretary under section 8, the Secretary may publish such findings and enter an order requiring such person, and any other person that is, was, or would be a cause of the violation, due to an act or omission the person knew or should have known would contribute to such violation, to cease and desist from committing or causing such violation and any future violation of the same provision, rule, or regulation. Such order may, in addition to requiring a person to cease and desist from committing or causing a violation, require such person to comply, or to take steps to effect compliance, with such provision or regulation, upon such terms and conditions and within such time as the Secretary may specify in such order. Any such order may, as the Secretary deems appropriate, require future compliance or steps to effect future compliance, either permanently or for such period of time as the Secretary may specify, with such provision or regulation with respect to any loan originator.

(2) HEARING.—The notice instituting proceedings pursuant to paragraph (1) shall fix a hearing date not earlier than 30 days nor later than 60 days after service of the notice unless an earlier or a later date is set by the Secretary with the consent of any respondent so served.

(3) TEMPORARY ORDER.—Whenever the Secretary determines that the alleged violation or threatened violation specified in the notice instituting proceedings pursuant to paragraph (1), or the continuation thereof, is likely to result in significant dissipation or conversion of assets, significant harm to consumers, or substantial harm to the public interest prior to the completion of the proceedings, the Secretary may enter a temporary order requiring the respondent to cease and desist from the violation or threatened violation and to take such action to prevent the violation or threatened violation and to prevent dissipation or conversion of assets, significant harm to consumers, or substantial harm to the public interest as the Secretary deems appropriate pending completion of such proceedings. Such an order shall be entered only after notice and opportunity for a hearing, unless the Secretary determines that notice and hearing prior to entry would be impracticable or contrary to the public interest. A temporary order shall become effective upon service upon the respondent and, unless set aside, limited, or suspended by the Secretary or a court of competent jurisdiction, shall remain effective and enforceable pending the completion of the proceedings.

(4) REVIEW OF TEMPORARY ORDERS.—

(A) REVIEW BY SECRETARY.—At any time after the respondent has been served with a temporary cease-and-desist order pursuant to paragraph (3), the respondent may apply to the Secretary to have the order set aside, limited, or suspended. If the respondent has been served with a temporary cease-and-desist order entered without a prior hearing before the Secretary, the respondent may, within 10 days after the date on which the order was served, request a hearing on such application and the Secretary shall hold a hearing and render a decision on such application at the earliest possible time.

(B) JUDICIAL REVIEW.—Within—

(i) 10 days after the date the respondent was served with a temporary cease-and-desist order entered with a prior hearing before the Secretary; or

(ii) 10 days after the Secretary renders a decision on an application and hearing under paragraph (1), with respect to any temporary cease-and-desist order entered without a prior hearing before the Secretary,

the respondent may apply to the United States district court for the district in which the respondent resides or has its principal place of business, or for the District of Columbia, for an order setting aside, limiting, or suspending the effectiveness or enforcement of the order, and the court shall have jurisdiction to enter such an order. A respondent served with a temporary cease-and-desist order entered without a prior hearing before the Secretary may not apply to the court except after hearing and decision by the Secretary on the respondent's application under subparagraph (A).

(C) NO AUTOMATIC STAY OF TEMPORARY ORDER.—The commencement of proceedings under subparagraph (B) shall not, unless specifically ordered by the court, operate as a stay of the Secretary's order.

(5) AUTHORITY OF THE SECRETARY TO PROHIBIT PERSONS FROM SERVING AS LOAN ORIGINATORS.—In any cease-and-desist proceeding under paragraph (1), the Secretary may issue an order to prohibit, conditionally or unconditionally, and permanently or for such period of time as the Secretary shall determine, any person who has violated this Act or regulations thereunder, from acting as a loan originator if the conduct of that person demonstrates unfitness to serve as a loan originator.

(d) AUTHORITY OF THE SECRETARY TO ASSESS MONEY PENALTIES.—

(1) IN GENERAL.—The Secretary may impose a civil penalty on a loan originator operating in any State which is subject to licensing system established by the Secretary under section 8, if the Secretary finds, on the record after notice and opportunity for hearing, that such loan originator has violated or failed to comply with any requirement of

this Act or any regulation prescribed by the Secretary under this Act or order issued under subsection (c).

(2) MAXIMUM AMOUNT OF PENALTY.—The maximum amount of penalty for each act or omission described in paragraph (1) shall be $5,000 for each day the violation continues.

**SEC. 15. PREEMPTION OF STATE LAW.**

Nothing in this Act may be construed to preempt the law of any State, to the extent that such State law provides greater protection to consumers than is provided under this Act.

**SEC. 16. REPORTS AND RECOMMENDATIONS TO CONGRESS.**

(a) ANNUAL REPORTS.—Not later than 1 year after the date of enactment of this Act, and annually thereafter, the Secretary shall submit a report to Congress on the effectiveness of the provisions of this Act, including legislative recommendations, if any, for strengthening consumer protections, enhancing examination standards, and streamlining communication between all stakeholders involved in residential mortgage loan origination and processing.

(b) LEGISLATIVE RECOMMENDATIONS.—Not later than 6 months after the date of enactment of this Act, the Secretary shall make recommendations to Congress on legislative reforms to the Real Estate Settlement Procedures Act of 1974, that the Secretary deems appropriate to promote more transparent disclosures, allowing consumers to better shop and compare mortgage loan terms and settlement costs.

**SEC. 17. STUDY AND REPORTS ON DEFAULTS AND FORECLOSURES.**

(a) STUDY REQUIRED.—The Secretary shall conduct an extensive study of the root causes of default and foreclosure of home loans, using as much empirical data as is available.

(b) PRELIMINARY REPORT TO CONGRESS.—Not later than 6 months after the date of enactment of this Act, the Secretary shall submit to Congress a preliminary report regarding the study required by this section.

(c) FINAL REPORT TO CONGRESS.—Not later than 12 months after the date of enactment of this Act, the Secretary shall submit to Congress a final report regarding the results of the study required by this section, which shall include any recommended legislation relating to the study, and recommendations for best practices and for a process to provide targeted assistance to populations with the highest risk of potential default or foreclosure.

---

By Mr. LUGAR:

S. 2597. A bill to authorize the extension of nondiscriminatory treatment (normal trade relations treatment) to the products of Moldova; to the Committee on Finance.

Mr. LUGAR. Mr. President, I rise today to introduce legislation designed to extend permanent normal trade relations to Moldova. Moldova is still subject to the provisions of the Jackson-Vanik amendment to the Trade Act of 1974, which sanctions nations for failure to comply with freedom of emigration requirements. This bill would repeal permanently the application of Jackson-Vanik to Moldova.

Moldova is a small country located between Ukraine and Romania. Throughout the Cold War it was a part of the Soviet Union. It gained its independence from the Soviet Union on August 27, 1991. The U.S. has supported Moldova in its journey toward democracy and sovereignty.

The U.S. enjoys good relations with Moldova and has encouraged Moldovan efforts to integrate with Euro-Atlantic institutions. Moldova is an active participant in Guam, Georgia, Ukraine, Azerbaijan and Moldova, a group of countries that has recently concluded a new trade agreement with the EU.

Since declaring independence from the Soviet Union in 1992, Moldova has enacted a series of democratic and free market reforms. In 2001, Moldova became a member of the World Trade Organization. Until the U.S. terminates application of Jackson-Vanik on Moldova, the U.S. will not benefit from Moldova's market access commitments nor can it resort to WTO dispute resolution mechanisms. While all other WTO members currently enjoy these benefits, the U.S. does not.

The Republic of Moldova has been evaluated every year and granted normal trade relations with the U.S. through annual presidential waivers from the effects of Jackson-Vanik. The Moldovan constitution guarantees its citizens the right to emigrate and this right is respected in practice. Most emigration restrictions were eliminated in 1991 and virtually no problems with emigration have been reported in the 16 years since independence. More specifically, Moldova does not impose emigration restrictions on members of the Jewish community. Synagogues function openly and without harassment. As a result, the Administration finds that Moldova is in full compliance with Jackson-Vanik's provisions.

Since declaring independence from the Soviet Union in 1992, Moldova has enacted a series of democratic and free market reforms. Parliamentary elections in 2005 and local elections in 2007 generally complied with international standards for democratic elections. Moldova has also contributed constructively towards a resolution of the long-standing separatist conflict in the country's Transniestria region, most recently by proposing a series of confidence-building measures and working groups.

The U.S. and Moldova have established a strong record of achievement in security cooperation. In 1997 the Nunn-Lugar Cooperative Threat Reduction Program responded to a Moldovan request for assistance. The U.S. purchased and secured 14 nuclear-capable MiG–29Cs from Moldova. These fighter aircraft were built by the former Soviet Union to launch nuclear weapons. Moldova expressed concern that these aircraft were unsecure due to the lack of funds and equipment necessary to ensure they were not stolen or smuggled out of the country. Specifically, emissaries from Iran had shown great interest and had attempted to acquire the aircraft. These planes were not destroyed. They were disassembled and shipped to Wright Patterson Air Force Base because they can be used by American experts for research purposes.

Moldova has made small, but important, troop contributions in Iraq. These contributions include significant demining capabilities and contingents of combat troops. I am pleased that the U.S. remains prepared to assist in weapons and ammunition disposal and force relocation assistance to help deal with the costs of military realignments in Moldova and to assist with military downsizing and reforms.

One of the areas where we can deepen U.S.-Moldovan relations is bilateral trade. In light of its adherence to freedom of emigration requirements, compliance with threat reduction and cooperation in the global war on terrorism, the products of Moldova should not be subject to the sanctions of Jackson-Vanik. The U.S. must remain committed and engaged in assisting Moldova in pursuing economic and development reforms. The government in Chisinau still has important work to do in these critical areas. The support and encouragement of the U.S. and the international community will be key to encouraging the Government of Moldova to take the necessary steps to initiate reform. The permanent waiver of Jackson-Vanik and establishment of permanent normal trade relations will be the foundation on which further progress in a burgeoning economic and energy partnership can be made.

I am hopeful that my colleagues will join me in supporting this important legislation. It is essential that we act promptly to bolster this important relationship and promote stability in this region.

---

By Mr. DORGAN (for himself, Mr. BINGAMAN, Mr. LEVIN, Mr. KERRY, Ms. COLLINS, Mr. LIEBERMAN, and Mr. WYDEN):

S. 2598. A bill to increase the supply and lower the cost of petroleum by temporarily suspending the acquisition of petroleum for the Strategic Petroleum Reserve; to the Committee on Energy and Natural Resources.

Mr. DORGAN. Mr. President, today I am pleased to introduce the Strategic Petroleum Reserve Fill Suspension and Consumer Protection Act of 2007. This bill directs the Secretary of Energy to suspend filling of the U.S. Strategic Petroleum Reserve, SPR, for 1 year. I appreciate that Senators BINGAMAN, LEVIN, KERRY, COLLINS, LIEBERMAN, and WYDEN have joined me as original cosponsors of this legislation. This bill directs the Secretary to stop filling the reserve through direct purchase, royalty-in-kind or any other measures. The secretary may only resume filling if the price of a barrel of crude oil drops below $50 per barrel during the remainder of 2008.

The price of a barrel of oil is reaching record highs and global supplies of oil continue to shrink. During this period of volatile markets and short supply, it makes no sense to me for the U.S. Government to continue to take highly valuable crude oil, especially light sweet crude, off the market to store underground in a reserve that is at least 96 percent full. Continuing to

''top off'' the Strategic Petroleum Reserve with highly valuable crude oil is putting upward pressure on oil prices and raising energy prices for consumers.

I believe that we must take a ''time out'' from filling the reserve in order to send a signal to the market to reduce rising energy prices that are hitting American consumers' pocketbooks. Lowering energy costs will put additional money back into consumers' hands and will help provide a real stimulus to our economy in my judgment.

Historically, the average price of oil used to fill the Strategic Petroleum Reserve has been about $27 per barrel. The Administration is now filling the Reserve with oil that averages over $90 per barrel, including highly sought after light sweet crude. This is a bad deal for American taxpayers and consumers.

On January 8, 2008, the Secretary of Energy sent me a letter stating that our Strategic Petroleum Reserve contains only 57 days of import protection and that the 50,000 barrels per day they are filling with is a small amount of the oil used on the global market daily. This is only part of the story. The fact is that the SPR, combined with our private oil stocks and refining inventories, total more than 118 days of import protection. The current levels in our strategic petroleum stocks are more than adequate to meet our international treaty obligations requiring 90 days of import protection for all OECD countries. I also disagree that taking 50,000 barrels per day off the market, especially light sweet crude, has no impact on energy prices. During the Clinton administration, Congress signaled that it wanted more than $200 million sold from the SPR in 1996, the price of oil dropped precipitously in the market. The market looks at many factors, including our filling of the SPR. This is another reason we can afford to temporarily suspend filling the Strategic Petroleum Reserve.

Further, the Energy Policy Act of 2005 provides directional guidance to expand the Strategic Petroleum Reserve. The provision in law clearly states that filling the reserve must be achieved ''without incurring excessive cost or appreciably affecting the price of petroleum products to consumers.'' I think filling the Strategic Petroleum Reserve in today's environment is indeed impacting the price of petroleum so that we must defer filling for now to ease pressure on the market.

Finally, the Congress enacted and the President signed historic legislation in December 2008—the Energy Independence and Security Act of 2007. That legislation established a strong foundation to put our Nation on an alternative energy security pathway. This includes strong fuel economy standards and an expanded renewable fuels standard. Conservative estimates provided by the Securing America's Future Energy Coalition show that the new legislation would reduce net oil imports by 1.75 million barrels per day by 2020, increasing to 2.26 million barrels per day in 2022 and rising thereafter. These estimates represent roughly half of the theoretical SPR drawdown capacity of 4.4 million barrels per day. They also increase the number of days of protection afforded by a given quantity of oil in the SPR. Thus, our enactment of historic Energy legislation will, over time, increase the insurance value of the SPR, even if the actual inventory level is frozen or slightly decreased.

Let me be clear. I believe maintaining a Strategic Petroleum Reserve is in the economic and national security interests of this country. However, during this time of record oil prices, rising energy costs for consumers, economic downturn and tight global oil supplies, the U.S. Government should suspend taking highly valuable oil off the market to store underground in the Strategic Petroleum Reserve.

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. 2598

*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 ''Strategic Petroleum Reserve Fill Suspension and Consumer Protection Act of 2008''.

**SEC. 2. SUSPENSION OF PETROLEUM ACQUISITION FOR STRATEGIC PETROLEUM RESERVE.**

(a) IN GENERAL.—Except as provided in subsection (b) and notwithstanding any other provision of law, during calendar year 2008, the Secretary of Energy shall suspend acquisition of petroleum for the Strategic Petroleum Reserve through the royalty-in-kind program or any other acquisition method.

(b) RESUMPTION.—The Secretary may resume acquisition of petroleum for the Strategic Petroleum Reserve through the royalty-in-kind program or any other acquisition method under subsection (a) not earlier than 30 days after the date on which the Secretary notifies Congress that the Secretary has determined that the weighted average price of petroleum in the United States for the most recent 90-day period is $50 or less per barrel.

---

By Mr. HARKIN (for himself and Mr. GRASSLEY):

S. 2600. A bill to provide for the designation of a single ZIP code for Windsor Heights, Iowa; to the Committee on Homeland Security and Governmental Affairs.

Mr. HARKIN. Mr. President, today I rise with my colleague from Iowa to introduce a bill to provide the town of Windsor Heights, IA, its own ZIP code. Currently, the residents of Windsor Heights share three ZIP codes with surrounding communities, Des Moines, West Des Moines, and Urbandale. Confusion between the ZIP codes and city boundaries has caused delays in mail delivery, an increased amount of undelivered mail, and numerous complaints from frustrated citizens. Each day sensitive materials, including financial statements, credit cards, Social Security checks, and passports pass through the mail stream. It is imperative that residents are able to rely on the safe and timely delivery of these documents.

The complications from this problem reach beyond mail delivery. During the recent Iowa Caucuses, residents living in Windsor Heights Precinct 2 were directed to the wrong address when looking for their caucus location. Windsor Heights residents who use the 50322 ZIP code—one which is shared with neighboring Urbandale—were incorrectly advised that the caucus location was in Urbandale, rather than Windsor Heights. Furthermore, because insurance rates are based on ZIP codes, residents pay premiums based on neighboring Des Moines and Urbandale, rather than Windsor Heights, making it more difficult for providers to sell car insurance to residents.

City officials have tried in vain for almost 5 years to acquire a ZIP code for Windsor Heights. It is my hope that the Senate will quickly act upon this legislation to enable them to do so.

---

By Ms. CANTWELL (for herself and Mrs. MURRAY):

S. 2601. A bill to require the Secretary of Agriculture to convey to King and Kittitas Counties Fire District No. 51 a certain parcel of real property for use as a site for a new Snoqualmie Pass fire and rescue station; to the Committee on Energy and Natural Resources.

Ms. CANTWELL. Mr. President, today I am introducing the Snoqualmie Pass Land Conveyance Act, together with Senator MURRAY. This bill would transfer an acre and a half of Forest Service land to the King and Kittitas Counties Fire District No. 51, also known as Snoqualmie Pass Fire and Rescue. This land would be conveyed at no cost, but would have to be used by the Fire District specifically for the construction of a new fire station or it would revert back to the Federal Government.

Snoqualmie Pass Fire and Rescue serves a portion of two counties on both sides of the Cascade Mountains along Interstate 90, a community of 350 full-time residents that peaks to 1,500 during the ski season. Additionally, the ski area estimates 20,000 patrons on a busy weekend, and the Department of Transportation estimates that up to 60,000 vehicles travel through the fire district on a busy day making it the busiest mountain highway in the country.

This area is also the major transportation corridor for goods and services between eastern and western Washington. The all-volunteer Fire Department averages over 300 calls a year with about a 10 percent annual increase in call volumes, which is more than triple the amount of calls a typical all-volunteer fire department would respond to in a year. Mr. Presdient, 84

percent of those incidents are for non-tax paying residents. Consequently, the Fire Department has the characteristics of a large city with the limited resources of a small community.

In recent years, this area has been the scene of major winter snowstorms, multi-vehicle accidents, and even avalanches. The Fire District is often the first responder to incidents in the area, which is prone to rock slides and avalanches and it is not uncommon for this community to be isolated for hours or even days at a time. Several thousand people can be stranded at the Pass during those periods when the Pass is closed and while the Department of Transportation works quickly to get the roads back open, it can be very taxing on local resources.

For decades, the Fire District has been leasing its current site from the Forest Service. They operate out of an aging building that was not designed to be a fire station. Through their hard work and dedication, they have served their community ably despite this building's many shortcomings. However, with traffic on the rise and the need for emergency services in the area growing, the Fire District needs to move to a true fire station.

The Fire District has identified a nearby site that would better serve the public safety needs at the Pass. This location would provide easy access to the interstate in either direction, reducing emergency response times. The parcel is on Forest Service property, immediately adjacent to a freeway interchange, between a frontage road and the interstate itself. The parcel was formerly a disposal site during construction of the freeway and is now a gravel lot.

I recognize that the Forest Service does not normally support conveyances of land free of charge. However, I believe an exception should be made in this particular circumstance because of the important public service provided by the Fire District, the heavy traffic and emergency calls created by non-residents in the area, the distance of Snoqualmie Pass from other communities with emergency services, and because of the high amount of federal land ownership in the area, which severely limits the local tax base. In fact, the Forest Service has acquired 20,000 acres in King and Kittitas counties at a cost of more than $52 million over just the last 10 years.

Passage of this legislation would not guarantee that a new station would be built. The Fire District would have to work hard to gather the financing that would be required from State and local sources, as well as any applicable Federal grants or loans. However, the conveyance of this site at no cost would help this Fire District hold down the overall cost of this project.

I am confident this can be done with little or no impact to the environment. Over the last year, following the introduction of this legislation in the House of Representatives, H.R. 1285, there were ongoing discussions in Washington State to address some lingering issues related to this conveyance. I am pleased those discussions reached resolution. I am also pleased that discussions with my staff, Senator MURRAY's staff, and staff of Energy and Natural Resources Committee led to an amendment to H.R. 1285 before it passed the House of Representatives that would better tailor the conveyance to both the environmental and the emergency response needs at the Pass by reducing the amount of land to be conveyed from 3 acres to 1.5 acres.

It is my understanding that there are offers of support to construct a new fire station from state and local officials, and to mitigate any effects of construction, and I support those efforts. To offset any potential impacts from construction of a new fire station and to improve wildlife connectivity at the pass, I encourage the Forest Service to work in collaboration with state and local officials, the Cascade Land Conservancy, Snoqualmie Fire District, Sierra Club, and Conservation Northwest to identify opportunities for off-site habitat acquisition.

I appreciate the efforts of Senator MURRAY and my colleagues on the Energy and Natural Resources Committee to review this issue and bring this bill forward. I look forward to continuing to work with the community at the Pass and my colleagues to improve public safety in the area.

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 placed in the RECORD, as follows:

S. 2601

*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 ''Snoqualmie Pass Land Conveyance Act''.

**SEC. 2. LAND CONVEYANCE, NATIONAL FOREST SYSTEM LAND, KITTITAS COUNTY, WASHINGTON.**

(a) CONVEYANCE REQUIRED.—The Secretary of Agriculture (referred to in this section as the ''Secretary'') shall convey, without consideration, to King and Kittitas Counties Fire District No. 51 of King and Kittitas Counties, Washington (referred to in this section as the ''District''), all right, title, and interest of the United States in and to a parcel of National Forest System land in Kittitas County, Washington, consisting of approximately 1.5 acres within the SW ¼ of the SE ¼ of sec. 4, T. 22 N., R. 11 E., Willamette meridian, for the purpose of permitting the District to use the parcel as a site for a new Snoqualmie Pass fire and rescue station.

(b) REVERSIONARY INTEREST.—

(1) IN GENERAL.—If the Secretary determines at any time that the real property conveyed under subsection (a) is not being used in accordance with the purpose of the conveyance specified in that subsection—

(A) all right, title, and interest in and to the property shall revert, at the option of the Secretary, to the United States; and

(B) the United States shall have the right of immediate entry onto the property.

(2) DETERMINATION REQUIREMENTS.—A determination of the Secretary under this subsection shall be made on the record after an opportunity for a hearing.

(c) SURVEY.—

(1) IN GENERAL.—If necessary, the exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary.

(2) COST.—The cost of a survey under paragraph (1) shall be paid by the District.

(d) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers to be appropriate to protect the interests of the United States.

---

By Mr. SALAZAR:

S. 2602. A bill to amend the Department of the Interior, Environment, and Related Agencies appropriations Act, 2008, to terminate the authority of the Secretary of the Treasury to deduct amounts from certain States; to the Committee on Energy and Natural Resources.

Mr. SALAZAR. Mr. President, I rise today to introduce legislation—a companion bill will be introduced in the House by my colleagues Representatives SALAZAR and UDALL—to restore Colorado's share of oil and gas leasing revenue.

The 2008 Omnibus Appropriations bill includes a provision, requested by the Bush Administration, to reduce the share of mineral royalties paid to Colorado and other western states. Specifically, the administration's proposal to reduce the State's share of mineral revenues from 50 percent to 48 percent does not serve the taxpayers who fund the government nor does it serve the states that allow energy production to happen within their borders. Colorado is blessed with an abundance of natural resources, including its deposits of oil and natural gas. Our State's economy benefits from the production of these resources, and we deserve to continue receiving our fair share of the revenues.

The administration attempts to justify this reduction as necessary to defray the administrative costs related to the management of onshore leasing activity. We believe this assertion is unfounded and oppose any attempt to take money that is rightfully owed to our State in order to pay for more Federal bureaucracy. This is money that our state could use to help mitigate the effects of increased oil and gas drilling activity and for other important state priorities, such as education and health care.

Our legislation repeals the administration's money grab and restores each State's share to its full, coequal 50 percent of mineral leasing revenues. We cannot allow the Federal government to take oil and gas leasing revenues intended to help the communities of Colorado. This language was inserted late into last year's omnibus spending bill and must be corrected. Our legislation does just that.

SUBMITTED RESOLUTIONS

## SENATE RESOLUTION 444—EXPRESSING THE SENSE OF THE SENATE REGARDING THE STRONG ALLIANCE THAT HAS BEEN FORGED BETWEEN THE UNITED STATES AND THE REPUBLIC OF KOREA AND CONGRATULATING MYUNG-BAK LEE ON HIS ELECTION TO THE PRESIDENCY OF THE REPUBLIC OF KOREA

Mr. BIDEN (for himself, Ms. MURKOWSKI, and Mr. HAGEL) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 444

Whereas the United States and the Republic of Korea enjoy a comprehensive alliance partnership founded in shared strategic interests and cemented by a commitment to democratic values;

Whereas the alliance between the United States and the Republic of Korea has been forged in blood and honed by struggles against common adversaries;

Whereas on December 19, 2007, the Senate passed S. Res. 279, marking the 125th anniversary of the 1882 Treaty of Peace, Amity, Commerce and Navigation between the Kingdom of Chosun (Korea) and the United States, and recognizing that ''the strength and endurance of the alliance between the United States and the Republic of Korea should be acknowledged and celebrated'';

Whereas during the 60 years since the founding of the Republic of Korea on August 15, 1948, the Republic of Korea, with unwavering commitment and support from the United States, has accomplished a remarkable economic and political transformation, rising from poverty to become the 11th largest economy in the world and a thriving multi-party democracy;

Whereas the Republic of Korea is the United States' seventh largest trading partner and the United States is the third largest trading partner of the Republic of Korea, with nearly $80,000,000,000 in goods and services passing between the 2 countries each year;

Whereas there are deep cultural and personal ties between the people of the United States and the people of the Republic of Korea, as exemplified by the large flow of visitors and exchanges each year between the 2 countries and the nearly 2,000,000 Korean Americans who currently reside in the United States;

Whereas the United States and the Republic of Korea are working together to address the threat posed by North Korea's nuclear weapons program and to build a lasting peace on the Korean Peninsula;

Whereas this alliance is promoting international peace and security, economic prosperity, human rights and the rule of law, not only on the Korean Peninsula, but also throughout the world; and

Whereas Myung-Bak Lee, who won election to become the next President of the Republic of Korea, has affirmed his deep commitment to further strengthening the alliance between the United States and the Republic of Korea, by expanding areas of cooperation and realizing the full potential of our mutually beneficial partnership: Now, therefore, be it

*Resolved*, That the Senate congratulates Myung-Bak Lee on his election to the presidency of the Republic of Korea and wishes him and the Korean people well on his inauguration on February 25, 2008.

Mr. BIDEN. Mr. President, today I introduce a resolution expressing the sense of the U.S. Senate regarding the strong alliance that has been forged between the U.S. and the Republic of Korea, ROK, and congratulating Myung-Bak Lee on his election to the presidency of the ROK.

The U.S.-ROK Alliance is no ordinary alliance. It was forged in desperate struggle against North Korean aggressors, and it has been honed by more than 50 years of joint military operations on and off the Korean Peninsula. On the peninsula, ROK and U.S. forces stand shoulder-to-shoulder, keeping the peace as they have done for 55 years. Off the peninsula, South Korean troops have fought alongside U.S. forces in Vietnam, Iraq twice, and Afghanistan. Even today, South Korea has more than 1,000 troops in Iraq. And Seoul voted last December to keep at least 600 troops in Iraq through the end of this year.

The willingness of South Korea to devote blood and treasure to struggles far from its shores is not only a testimony to the loyalty of the Korean people to the American people, who came to their aid in a time of need, but also proof of the convergent national interests of the U.S. and the Republic of Korea.

The U.S.–ROK Alliance is rooted in common strategic interests, but it is also fortified by common democratic values. South Korea has developed a vibrant democratic system, with strong protections for civil liberties and human rights. It was not always thus.

South Korea's journey from authoritarianism and poverty to democracy and prosperity has been a long one—four decades of hard work by the Korean people. Democracy did not come without sacrifices. The South Korean government's bloody suppression of the Kwangju democracy uprising of May 1980, left thousands of unarmed civilian protestors dead or injured. Although the dictatorship persisted for another 7 years, the democratic aspirations of the Korean people could not be denied.

In the end, the Korean people accomplished a remarkably peaceful transition from dictatorship to democracy. By also building a robust economy that has lifted millions out of poverty, the Republic of Korea has provided a model for other developing nations in East Asia and beyond. South Korea is a world in information technology, with a much higher rate of broadband internet access, 30 percent, and more broadband total users, 15 million, than the United Kingdom, 24 percent, 14 million, or France, 22 percent, 14 million.

Just as Korea is no ordinary ally, President-elect Lee is no ordinary South Korean politician. The son of a farm worker, Lee was born in Osaka, Japan, on December 19, 1941, returning to Korea with his parents only after the end of World War II. As a boy, Lee worked with his mother, who sold ice cream, cakes, and other sundries to supplement the family's income. He worked as a garbage collector to help pay for school expenses, eventually earning admission to the prestigious Korea University to study business administration.

In 1965, Lee joined Hyundai Engineering and Construction company, which had only 90 employees at the time. Over the course of 30 years at Hyundai, he advanced from junior executive to chairman, and helped build Hyundai into a global force in automotive manufacturing, construction, and real estate, with 160,000 employees.

Lee's entry into politics came only after he had retired from his Hyundai career. He was elected Mayor of Seoul, Korea's capital and largest city, on a platform stressing a balance between economic development and environmental protection. He told the city's people that he would remove the elevated highway that ran through the heart of Seoul and restore the buried Cheonggyecheon stream—an urban waterway that Lee himself had helped pave over in the 1960s. His opponents insisted that the plan would cause traffic chaos and cost billions. Three years later, Cheonggyecheon was reborn, changing the face of Seoul. Lee also revamped the city's transportation system, adding clean rapid-transit buses.

President-elect Lee stressed during his campaign that the U.S.–ROK alliance would be the cornerstone of Korea's security policy, and that strengthening and deepening the alliance would be a top priority for his administration. On North-South relations, he has pledged to sustain South Korea's engagement and investment in the North. But he has also articulated a policy of ''tough love,'' saying that he will consider progress on denuclearization as his government ponders major new investments designed to help modernize North Korea's economy.

Today, as the people of the U.S. and the Republic of Korea look to the future, we can take comfort from the fact that we need not confront the challenges of North Korea's nuclear ambitions, terrorism, energy security, and global climate change alone.

Working together, we will convince North Korea to abandon its nuclear weapons program and build a lasting peace on the Korean Peninsula. Working together, we can help inspire good governance and promote economic growth in Asia and beyond. We can lead by example and demonstrate that nations that respect the human rights of their citizens are nations that are innovative, prosperous, and peaceful.

It is in celebration of the promise of this important partnership that I rise today, in concert with the Senator from Alaska, Senator MURKOWSKI, to offer a resolution marking another milestone in South Korea's democracy—the election of Myung-Bak Lee as President—and wishing him and the

Korean people well as they embark on the next stage of South Korea's remarkable journey from the horrors of the Korean War to the bright future that is today arriving at light speed in the Republic of Korea.

## SENATE CONCURRENT RESOLUTION 65—CELEBRATING THE BIRTH OF ABRAHAM LINCOLN AND RECOGNIZING THE PROMINENCE THE DECLARATION OF INDEPENDENCE PLAYED IN THE DEVELOPMENT OF ABRAHAM LINCOLN'S BELIEFS

Mr. DURBIN submitted the following concurrent resolution; which was referred to the Committee on the Judiciary:

S. CON. RES. 65

Whereas Abraham Lincoln, the 16th President of the United States, was born of humble roots on February 12, 1809, in Hardin County, Kentucky;

Whereas Abraham Lincoln rose to political prominence as an attorney with a reputation for fairness, honesty, and a belief that all men are created equal and that they are endowed by their Creator with certain unalienable rights;

Whereas Abraham Lincoln was elected and served with distinction in 1832 as a captain of an Illinois militia company during the Black Hawk War;

Whereas Abraham Lincoln was elected to the Illinois legislature in 1834 from Sangamon County and was successively reelected until 1840;

Whereas Abraham Lincoln revered the Declaration of Independence, forming the motivating moral and natural law principle for his opposition to the spread of slavery to new States entering the Union and to his belief in slavery's ultimate demise;

Whereas Abraham Lincoln was elected in 1846 to serve in the United States House of Representatives, ably representing central Illinois;

Whereas Abraham Lincoln re-entered political life as a reaction to the passage of the Kansas-Nebraska Act in 1854, which he opposed;

Whereas Abraham Lincoln expounded on his views of natural rights during the series of debates with Stephen A. Douglas in 1858, declaring in Charleston, Illinois that natural rights were ''enumerated in the Declaration of Independence, the right to life, liberty and the pursuit of happiness'', and these views brought Lincoln into national prominence;

Whereas Abraham Lincoln, through a legacy of courage, character, and patriotism, was elected to office as the 16th President of the United States on November 6, 1860;

Whereas Abraham Lincoln believed the Declaration of Independence to be the anchor of American republicanism, stating on February 22, 1861, during an address at Independence Hall in Philadelphia, Pennsylvania that, ''I have never had a feeling politically that did not spring from the sentiments embodied in the Declaration of Independence ... I have often inquired of myself, what great principle or idea it was that kept this Confederacy so long together. It was not the mere matter of separation of the Colonies from the motherland; but that sentiment in the Declaration of Independence which gave liberty, not alone to the people of this country, but, I hope, to the world, for all future time. It was that which gave promise that in due time the weight would be lofted from the shoulders of men'';

Whereas, upon taking office and being thrust into the midst of the Civil War, President Abraham Lincoln wrote the Emancipation Proclamation, freeing all slaves in southern States that seceded from the Union on January 1, 1863;

Whereas, on November 19, 1863, Abraham Lincoln dedicated the battlefield at Gettysburg, Pennsylvania with the Gettysburg Address, which would later be known as his greatest speech, that harkened back to the promises of the Declaration of Independence in the first sentence: ''Four score and seven years ago, our fathers brought forth, on this continent, a new nation, conceived in Liberty, and dedicated to the proposition that all men are created equal'';

Whereas Abraham Lincoln was reelected to the presidency on November 8, 1864, by 55 percent of the popular vote;

Whereas Abraham Lincoln gave the ultimate sacrifice for his country, dying 6 weeks into his second term on April 15, 1865;

Whereas the year 2009 will be the bicentennial anniversary of the birth of Abraham Lincoln, and the United States will observe 2 years of commemorations beginning February 12, 2008; and

Whereas all Americans could benefit from studying the life of Abraham Lincoln as a model of achieving the American Dream through honesty, integrity, loyalty, and a lifetime of education: Now, therefore, be it

*Resolved by the Senate (the House of Representatives concurring),* That Congress—

(1) requests that the President issue a proclamation each year recognizing the anniversary of the birth of President Abraham Lincoln and calling upon the people of the United States to observe such anniversary with appropriate ceremonies and activities; and

(2) encourages State and local governments and local educational agencies to devote sufficient time to study and appreciate the reverence and respect Abraham Lincoln had for the significance and importance of the Declaration of Independence in the development of American history, jurisprudence, and the spread of freedom around the world.

## AMENDMENTS SUBMITTED AND PROPOSED

SA 3989. Mr. ALLARD 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 3990. Mr. ALLARD 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 3991. Mr. SANDERS (for himself, Mr. AKAKA, and Mr. KERRY) submitted an amendment intended to be proposed to amendment SA 3983 proposed by Mr. REID to the bill H.R. 5140, supra; which was ordered to lie on the table.

SA 3992. Mr. BROWN (for himself, Mrs. BOXER, Mr. BINGAMAN, Mr. SANDERS, and Mr. SCHUMER) 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 3993. Mr. ALEXANDER submitted an amendment intended to be proposed to amendment SA 3983 proposed by Mr. REID to the bill H.R. 5140, supra; which was ordered to lie on the table.

SA 3994. Mr. ALEXANDER submitted an amendment intended to be proposed to amendment SA 3983 proposed by Mr. REID to the bill H.R. 5140, supra; which was ordered to lie on the table.

SA 3995. Mr. NELSON, of Florida (for himself and Ms. SNOWE) submitted an amendment intended to be proposed to amendment SA 3983 proposed by Mr. REID to the bill H.R. 5140, supra; which was ordered to lie on the table.

SA 3996. Mr. NELSON, of Florida (for himself and Ms. SNOWE) submitted an amendment intended to be proposed to amendment SA 3983 proposed by Mr. REID to the bill H.R. 5140, supra; which was ordered to lie on the table.

SA 3997. Mr. HARKIN submitted an amendment intended to be proposed to amendment SA 3893 submitted by Mr. BROWNBACK (for himself, Mr. DORGAN, Ms. CANTWELL, and Mr. INOUYE) to the amendment SA 3899 proposed by Mr. DORGAN (for himself, Ms. MURKOWSKI, Mr. BAUCUS, Mr. KENNEDY, Mr. SMITH, Mr. NELSON of Nebraska, and Mr. SALAZAR) to the bill S. 1200, to amend the Indian Health Care Improvement Act to revise and extend the Act; which was ordered to lie on the table.

SA 3998. 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.

SA 3999. Ms. LANDRIEU (for herself and Mr. VITTER) submitted an amendment intended to be proposed to amendment SA 3983 proposed by Mr. REID to the bill H.R. 5140, supra; which was ordered to lie on the table.

SA 4000. Ms. LANDRIEU (for herself and Mr. VITTER) submitted an amendment intended to be proposed to amendment SA 3983 proposed by Mr. REID to the bill H.R. 5140, supra; which was ordered to lie on the table.

SA 4001. Mr. NELSON, of Nebraska submitted an amendment intended to be proposed to amendment SA 3983 proposed by Mr. REID to the bill H.R. 5140, supra; which was ordered to lie on the table.

SA 4002. Mr. SANDERS (for himself and Mrs. CLINTON) submitted an amendment intended to be proposed to amendment SA 3983 proposed by Mr. REID to the bill H.R. 5140, supra; which was ordered to lie on the table.

SA 4003. Mr. SANDERS (for himself and Mrs. CLINTON) submitted an amendment intended to be proposed to amendment SA 3983 proposed by Mr. REID to the bill H.R. 5140, supra; which was ordered to lie on the table.

SA 4004. Mr. SANDERS (for himself, Mrs. CLINTON, and Mr. KERRY) submitted an amendment intended to be proposed to amendment SA 3983 proposed by Mr. REID to the bill H.R. 5140, supra; which was ordered to lie on the table.

SA 4005. Mr. SANDERS submitted an amendment intended to be proposed to amendment SA 3983 proposed by Mr. REID to the bill H.R. 5140, supra; which was ordered to lie on the table.

SA 4006. Mr. CHAMBLISS (for himself, Mr. CRAPO, Mr. DEMINT, and Mr. COBURN) submitted an amendment intended to be proposed to amendment SA 3983 proposed by Mr. REID to the bill H.R. 5140, supra; which was ordered to lie on the table.

SA 4007. Mr. WYDEN (for himself, Mr. THUNE, Mr. DODD, Mr. SHELBY, Mrs. CLINTON, Mr. DURBIN, Mr. HARKIN, Mr. JOHNSON, Mr. MENENDEZ, Ms. MIKULSKI, Mr. REED, Mr. SANDERS, Mr. SCHUMER, and Mr. WEBB) submitted an amendment intended to be proposed to amendment SA 3983 proposed by Mr. REID to the bill H.R. 5140, supra; which was ordered to lie on the table.

SA 4008. Mr. MCCONNELL (for himself, Mr. STEVENS, Mr. ROBERTS, Mr. BOND, Mr. BROWNBACK, Mr. BUNNING, Mr. CORNYN, Mr. HATCH, Mr. SUNUNU, Mr. ALEXANDER, Mr. BURR, Mr. ISAKSON, Mr. VITTER, Mr. THUNE, Mr. CHAMBLISS, Mr. KYL, Mr. GRAHAM, Mr. CRAIG, and Mr. CRAPO) submitted an amendment intended to be proposed by him to the

bill H.R. 5140, supra; which was ordered to lie on the table.

## TEXT OF AMENDMENTS

**SA 3989.** Mr. ALLARD 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 55, between lines 19 and 20, insert the following:

**SEC. 203. TEMPORARY INCREASE IN LOAN LIMIT FOR HOME EQUITY CONVERSION MORTGAGES.**

For home equity conversion mortgages originated during the period beginning on July 1, 2007, and ending at the end of December 31, 2008, notwithstanding section 255(g) of the National Housing Act (12 U.S.C. 1715z–20(g)), the limitation on the maximum principal obligation of a home equity conversion mortgage that may be insured by the Secretary of Housing and Urban Development under such section 255 shall not exceed the dollar limitation established under section 201(a)(2) of this Act (relating to increased loan limits for the Federal Home Loan Mortgage Corporation).

**SEC. 204. TEMPORARY INCREASE IN LOAN LIMIT FOR MANUFACTURED HOUSING.**

During the period beginning on July 1, 2007, and ending at the end of December 31, 2008, with respect to any bank, trust company, personal finance company, mortgage company, building and loan association, installment lending company, or other such financial institution, that received or seeks insurance protection under section 2 of the National Housing Act (12 U.S.C. 1703(b)), the dollar limitation against losses which may sustain as a result of a loan, advance of credit, or purchase of an obligation representing such loans and advances shall not exceed—

(1) $25,090 if made for the purpose of financing alterations, repairs and improvements upon or in connection with existing manufactured homes;

(2) $69,678 if made for the purpose of financing the purchase of a manufactured home;

(3) $92,904 if made for the purpose of financing the purchase of a manufactured home and a suitably developed lot on which to place the home; and

(4) $23,226 if made for the purpose of financing the purchase, by an owner of a manufactured home which is the principal residence of that owner, of a suitably developed lot on which to place that manufactured home, and if the owner certifies that he or she will place the manufactured home on the lot acquired with such loan within 6 months after the date of such loan.

---

**SA 3990.** Mr. ALLARD 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 14, after line 22, insert the following:

**SEC. 104. 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 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), 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 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.

---

**SA 3991.** Mr. SANDERS (for himself, Mr. AKAKA, and Mr. KERRY) submitted an amendment intended to be proposed 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; which was ordered to lie on the table; as follows:

At the end of the bill, add the following:

**TITLE VI—OTHER ASSISTANCE**

**SEC. 601. TEMPORARY INCREASE IN SPECIALLY ADAPTED HOUSING BENEFITS FOR DISABLED VETERANS.**

(a) IN GENERAL.—Section 2102 of title 38, United States Code, is amended—

(1) in subsection (b)(2), by striking ''$10,000'' and inserting ''$12,000''; and

(2) in subsection (d)—

(A) in paragraph (1), by striking ''$50,000'' and inserting ''$60,000''; and

(B) in paragraph (2), by striking ''$10,000'' and inserting ''$12,000''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall be effective during the period beginning on the date of the enactment of this Act and ending on September 30, 2008.

(c) REVIVAL.—Effective on October 1, 2008, the provisions of subsection (b)(2) and paragraphs (1) and (2) of subsection (d) of such section 2102, as such provisions were in effect on the day before the date of the enactment of this Act, are hereby revived.

**SEC. 602. TEMPORARY INCREASE IN ASSISTANCE FOR PROVIDING AUTOMOBILES OR OTHER CONVEYANCES TO CERTAIN DISABLED VETERANS.**

(a) IN GENERAL.—Section 3902(a) of title 38, United States Code, is amended by striking ''$11,000'' and inserting ''$22,484''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall be effective during the period beginning on the date of the enactment of this Act and ending on September 30, 2008.

(c) REVIVAL.—Effective on October 1, 2008, the provisions of such section 3902(a), as such provisions were in effect on the day before the date of the enactment of this Act, are hereby revived.

---

**SA 3992.** Mr. BROWN (for himself, Mrs. BOXER, Mr. BINGAMAN, Mr. SANDERS, and Mr. SCHUMER) 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. ___. EMERGENCY FUNDING.**

(a) IN GENERAL.—There is hereby appropriated to the Secretary of Agriculture to carry out the purposes of section 27(a) of the Food Stamp Act of 1977 (7 U.S.C. 2036(a)) $100,000,000, to remain available until expended.

(b) USE OF FUNDS.—

(1) IN GENERAL.—In carrying out subsection (a), the Secretary may—

(A) waive such procurement rules as may be necessary to expedite the purchase and distribution of commodities to emergency feeding organizations; and

(B) divert to the emergency food assistance program established under the Emergency Food Assistance Act of 1983 (7 U.S.C. 7501 et seq.) commodities held in inventory for other programs that can be replaced at a later date without program disruption.

(2) DISTRIBUTION COSTS.—A State may choose to use up to 10 percent of the total funds made available to the State under this section for distribution costs.

---

**SA 3993.** Mr. ALEXANDER submitted an amendment intended to be proposed 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; which was ordered to lie on the table; as follows:

On page 33, strike line 1 through page 44, line 24.

---

**SA 3994.** Mr. ALEXANDER submitted an amendment intended to be proposed 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; which was ordered to lie on the table; as follows:

On page 34, strike line 20 through page 37, line 6, and insert the following:

**SEC. 125. 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. 126. 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''.

---

**SA 3995.** Mr. NELSON of Florida (for himself and Ms. SNOWE) submitted an amendment intended to be proposed 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; which was ordered to lie on the table; as follows:

At the end of title I, add the following:

**SEC. _____. REFUND CHECK INTEGRITY PROTECTION.**

(a) DEFINITIONS.—In this section:

(1) DOMAIN NAME.—The term ''domain name'' means any alphanumeric designation that is registered with or assigned by any domain name registrar, domain name registry, or other domain name registration authority as part of an electronic address on the Internet.

(2) ELECTRONIC MAIL ADDRESS.—The term ''electronic mail address'' means a destination, commonly expressed as a string of characters, consisting of a unique user name or mailbox (commonly referred to as the ''local part'') and a reference to an Internet domain (commonly referred to as the ''domain part''), whether or not displayed, to which an electronic mail message can be sent or delivered.

(3) ELECTRONIC MAIL MESSAGE.—The term ''electronic mail message'' means a message sent to a unique electronic mail address.

(4) IDENTIFYING INFORMATION.—The term ''identifying information'', with respect to an individual, means any of the following:

(A) The last name of the individual combined with the first initial or first name of the individual.

(B) The home address of the individual.

(C) The telephone number of the individual.

(D) The social security number of the individual.

(E) The taxpayer identification number of the individual.

(F) The employer identification number that is the same as or is derived from the social security number of the individual.

(G) A financial account number, credit card number, or debit card number of the individual that is combined with any required security code, access code, or password that would permit access to a financial account of such individual.

(H) The driver's license identification number or State resident identification number of the individual.

(I) Such other information that is sufficient to identify the individual by name.

(5) INTERNET.—The term ''Internet'' means the international computer network of both Federal and non-Federal interoperable packet switched data networks.

(6) WEB PAGE.—The term ''web page'' means a location, with respect to the World Wide Web, that has a single Uniform Resource Locator or another single location with respect to the Internet, as the Federal Trade Commission may prescribe.

(b) USE OF DECEPTIVE OR MISLEADING WEB PAGES, DOMAIN NAMES, AND ELECTRONIC MAIL MESSAGES REFERRING TO THE INTERNAL REVENUE SERVICE.—It shall be unlawful for any person, by means of a web page, domain name, electronic mail message, or otherwise through the use of the Internet, to solicit, request, or take any action, to induce an individual to provide identifying information by representing itself to be the Internal Revenue Service, or another governmental office administering any refund of Federal taxes, without the authority or approval of the Commissioner of Internal Revenue, if—

(1) the representing person does not have the express authority or approval of the Commissioner of Internal Revenue or other governmental office to represent itself as the Internal Revenue Service, or another governmental office administering any refund of Federal taxes; and

(2) the representing person has actual knowledge, or knowledge fairly implied on the basis of objective circumstances, that such web page, domain name, electronic mail message, or other means would be likely to mislead an individual, acting reasonably under the circumstances, about a material fact regarding the contents of such electronic mail message, instant message, web page, or advertisement (consistent with the criteria used in the enforcement of section 5 of the Federal Trade Commission Act (15 U.S.C. 45)).

(c) ENFORCEMENT BY FEDERAL TRADE COMMISSION.—

(1) UNFAIR OR DECEPTIVE ACT OR PRACTICE.—A violation of a prohibition described in subsection (b) shall be treated as a violation of a rule defining an unfair or deceptive act or practice described under section 18(a)(1)(B) of the Federal Trade Commission Act (15 U.S.C. 57a(a)(1)(B)).

(2) ACTIONS BY THE FEDERAL TRADE COMMISSION.—The Federal Trade Commission shall enforce the provisions of paragraph (1) and subsection (b) in the same manner, by the same means, and with the same jurisdiction, powers, and duties as though all applicable terms and provisions of the Federal Trade Commission Act (15 U.S.C. 41 et seq.) were incorporated into and made part of this section.

(3) AVAILABILITY OF CEASE-AND-DESIST ORDERS AND INJUNCTIVE RELIEF WITHOUT SHOWING OF KNOWLEDGE.—In any proceeding or action pursuant to paragraph (2) to enforce compliance through an order to cease and desist or an injunction, the Federal Trade Commission shall not be required to allege or prove the state of mind required by subsection (b).

(d) REFUND CHECK PROTECTION WORKING GROUP.—

(1) ESTABLISHMENT.—Not later than 30 days after the date of the enactment of this section, the Commissioner of Internal Revenue shall establish a working group to be known as the ''Refund Check Protection Working Group'' (hereafter in this subsection referred to as the ''Working Group'').

(2) MEMBERSHIP.—

(A) APPOINTMENT AND CONSULTATION.—Subject to subparagraph (B), members of the Working group shall be appointed by the Commissioner of Internal Revenue in consultation with the head of each of the agencies described in such subparagraph.

(B) COMPOSITION.—The Working Group shall be composed of 5 members of whom—

(i) 1 shall be a representative of the Internal Revenue Service;

(ii) 1 shall be a representative of the Federal Trade Commission;

(iii) 1 shall be a representative of the Department of Justice;

(iv) 1 shall be a representative of the Federal Bureau of Investigation; and

(v) 1 shall be a representative of the Secret Service.

(C) CHAIR.—The Working Group shall select a chair from among its members.

(3) DUTIES.—

(A) BEST PRACTICES.—The Working Group shall collect, review, disseminate, and advise on best practices and any additional governmental efforts required to protect the integrity of the distribution of refunds for Federal taxes.

(B) MONTHLY REPORT.—Not later than 3 months after the date on which the Working Group is established, and every month thereafter, the Working Group shall submit to Congress a report on its findings with respect to its activities under subparagraph (A).

(4) TERMINATION.—This Working Group shall terminate 180 days after the date of the enactment of this section.

(e) EFFECT ON FEDERAL TRADE COMMISSION ACT.—Nothing in this section may be construed to reduce the authority of the Federal Trade Commission to bring enforcement actions under the Federal Trade Commission Act for materially false or deceptive representations or unfair practices on the Internet.

---

**SA 3996.** Mr. NELSON of Florida (for himself and Ms. SNOWE) submitted an amendment intended to be proposed 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; which was ordered to lie on the table; as follows:

On page 49, after line 19, add the following:

**Subtitle E—Other Provisions**

**SEC. 132. REFUND CHECK INTEGRITY PROTECTION.**

(a) DEFINITIONS.—In this section:

(1) DOMAIN NAME.—The term ''domain name'' means any alphanumeric designation that is registered with or assigned by any domain name registrar, domain name registry, or other domain name registration authority

as part of an electronic address on the Internet.

(2) ELECTRONIC MAIL ADDRESS.—The term ''electronic mail address'' means a destination, commonly expressed as a string of characters, consisting of a unique user name or mailbox (commonly referred to as the ''local part'') and a reference to an Internet domain (commonly referred to as the ''domain part''), whether or not displayed, to which an electronic mail message can be sent or delivered.

(3) ELECTRONIC MAIL MESSAGE.—The term ''electronic mail message'' means a message sent to a unique electronic mail address.

(4) IDENTIFYING INFORMATION.—The term ''identifying information'', with respect to an individual, means any of the following:

(A) The last name of the individual combined with the first initial or first name of the individual.

(B) The home address of the individual.

(C) The telephone number of the individual.

(D) The social security number of the individual.

(E) The taxpayer identification number of the individual.

(F) The employer identification number that is the same as or is derived from the social security number of the individual.

(G) A financial account number, credit card number, or debit card number of the individual that is combined with any required security code, access code, or password that would permit access to a financial account of such individual.

(H) The driver's license identification number or State resident identification number of the individual.

(I) Such other information that is sufficient to identify the individual by name.

(5) INTERNET.—The term ''Internet'' means the international computer network of both Federal and non-Federal interoperable packet switched data networks.

(6) WEB PAGE.—The term ''web page'' means a location, with respect to the World Wide Web, that has a single Uniform Resource Locator or another single location with respect to the Internet, as the Federal Trade Commission may prescribe.

(b) USE OF DECEPTIVE OR MISLEADING WEB PAGES, DOMAIN NAMES, AND ELECTRONIC MAIL MESSAGES REFERRING TO THE INTERNAL REVENUE SERVICE.—It shall be unlawful for any person, by means of a web page, domain name, electronic mail message, or otherwise through the use of the Internet, to solicit, request, or take any action, to induce an individual to provide identifying information by representing itself to be the Internal Revenue Service, or another governmental office administering any refund of Federal taxes, without the authority or approval of the Commissioner of Internal Revenue, if—

(1) the representing person does not have the express authority or approval of the Commissioner of Internal Revenue or other governmental office to represent itself as the Internal Revenue Service, or another governmental office administering any refund of Federal taxes; and

(2) the representing person has actual knowledge, or knowledge fairly implied on the basis of objective circumstances, that such web page, domain name, electronic mail message, or other means would be likely to mislead an individual, acting reasonably under the circumstances, about a material fact regarding the contents of such electronic mail message, instant message, web page, or advertisement (consistent with the criteria used in the enforcement of section 5 of the Federal Trade Commission Act (15 U.S.C. 45)).

(c) ENFORCEMENT BY FEDERAL TRADE COMMISSION.—

(1) UNFAIR OR DECEPTIVE ACT OR PRACTICE.—A violation of a prohibition described in subsection (b) shall be treated as a violation of a rule defining an unfair or deceptive act or practice described under section 18(a)(1)(B) of the Federal Trade Commission Act (15 U.S.C. 57a(a)(1)(B)).

(2) ACTIONS BY THE FEDERAL TRADE COMMISSION.—The Federal Trade Commission shall enforce the provisions of paragraph (1) and subsection (b) in the same manner, by the same means, and with the same jurisdiction, powers, and duties as though all applicable terms and provisions of the Federal Trade Commission Act (15 U.S.C. 41 et seq.) were incorporated into and made part of this section.

(3) AVAILABILITY OF CEASE-AND-DESIST ORDERS AND INJUNCTIVE RELIEF WITHOUT SHOWING OF KNOWLEDGE.—In any proceeding or action pursuant to paragraph (2) to enforce compliance through an order to cease and desist or an injunction, the Federal Trade Commission shall not be required to allege or prove the state of mind required by subsection (b).

(d) REFUND CHECK PROTECTION WORKING GROUP.—

(1) ESTABLISHMENT.—Not later than 30 days after the date of the enactment of this section, the Commissioner of Internal Revenue shall establish a working group to be known as the ''Refund Check Protection Working Group'' (hereafter in this subsection referred to as the ''Working Group'').

(2) MEMBERSHIP.—

(A) APPOINTMENT AND CONSULTATION.—Subject to subparagraph (B), members of the Working group shall be appointed by the Commissioner of Internal Revenue in consultation with the head of each of the agencies described in such subparagraph.

(B) COMPOSITION.—The Working Group shall be composed of 5 members of whom—

(i) 1 shall be a representative of the Internal Revenue Service;

(ii) 1 shall be a representative of the Federal Trade Commission;

(iii) 1 shall be a representative of the Department of Justice;

(iv) 1 shall be a representative of the Federal Bureau of Investigation; and

(v) 1 shall be a representative of the Secret Service.

(C) CHAIR.—The Working Group shall select a chair from among its members.

(3) DUTIES.—

(A) BEST PRACTICES.—The Working Group shall collect, review, disseminate, and advise on best practices and any additional governmental efforts required to protect the integrity of the distribution of refunds for Federal taxes.

(B) MONTHLY REPORT.—Not later than 3 months after the date on which the Working Group is established, and every month thereafter, the Working Group shall submit to Congress a report on its findings with respect to its activities under subparagraph (A).

(4) TERMINATION.—This Working Group shall terminate 180 days after the date of the enactment of this section.

(e) EFFECT ON FEDERAL TRADE COMMISSION ACT.—Nothing in this section may be construed to reduce the authority of the Federal Trade Commission to bring enforcement actions under the Federal Trade Commission Act for materially false or deceptive representations or unfair practices on the Internet.

---

**SA 3997.** Mr. HARKIN submitted an amendment intended to be proposed to amendment SA 3983 submitted by Mr. BROWNBACK (for himself, Mr. DORGAN, Ms. CANTWELL, and Mr. INOUYE) to the amendment SA 3899 proposed by Mr. DORGAN (for himself, Ms. MURKOWSKI, Mr. BAUCUS, Mr. KENNEDY, Mr. SMITH, Mr. NELSON of Nebraska, and Mr. SALAZAR) to the bill S. 1200, to amend the Indian Health Care Improvement Act to revise and extend the Act; which was ordered to lie on the table; as follows:

On page 4, line 13, strike ''$150,000 ($300,000'' and insert ''$75,000 ($150,000''.

---

**SA 3998.** 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:

At the appropriate place, insert the following:

**SEC. ____. SUSPENSION OF PETROLEUM ACQUISITION FOR STRATEGIC PETROLEUM RESERVE.**

(a) IN GENERAL.—Except as provided in subsection (b) and notwithstanding any other provision of law, during calendar year 2008, the Secretary of Energy shall suspend acquisition of petroleum for the Strategic Petroleum Reserve through the royalty-in-kind program or any other acquisition method.

(b) RESUMPTION.—The Secretary may resume acquisition of petroleum for the Strategic Petroleum Reserve through the royalty-in-kind program or any other acquisition method under subsection (a) not earlier than 30 days after the date on which the Secretary notifies Congress that the Secretary has determined that the weighted average price of petroleum in the United States for the most recent 90-day period is $50 or less per barrel.

---

**SA 3999.** Ms. LANDRIEU (for herself and Mr. VITTER) submitted an amendment intended to be proposed 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; which was ordered to lie on the table; as follows:

On page 13, before line 4, insert the following:

**SEC. 102. USE OF AMENDED INCOME TAX RETURNS TO TAKE INTO ACCOUNT RECEIPT OF CERTAIN HURRICANE-RELATED CASUALTY LOSS GRANTS BY DISALLOWING PREVIOUSLY TAKEN CASUALTY LOSS DEDUCTIONS.**

Notwithstanding any other provision of the Internal Revenue Code of 1986, if a taxpayer claims a deduction for any taxable year with respect to a casualty loss to a personal residence (within the meaning of section 121 of such Code) resulting from Hurricane Katrina or Hurricane Rita and in a subsequent taxable year receives a grant under Public Law 109–148, 109–234, or 110–116 as reimbursement for such loss from the State of Louisiana or the State of Mississippi, such taxpayer may elect to file an amended income tax return for the taxable year in which such deduction was allowed and disallow such deduction. If elected, such amended return must be filed not later than the due date for filing the tax return for the taxable year in which the taxpayer receives such reimbursement. Any increase in Federal income tax resulting from such disallowance shall not be subject to any penalty

or interest under such Code if such amended return is so filed.

---

**SA 4000.** Ms. LANDRIEU (for herself and Mr. VITTER) submitted an amendment intended to be proposed 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; which was ordered to lie on the table; as follows:

On page 4, line 14, insert ''For purposes of the preceding sentence, adjusted gross income shall not include any income resulting from the recapture of any casualty loss deduction due to the receipt of any grants under Public Law 109–148, 109–234, or 110–116.''.

---

**SA 4001.** Mr. NELSON of Nebraska submitted an amendment intended to be proposed 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; which was ordered to lie on the table; as follows:

At the end add the following:

**TITLE VI—TEMPORARY INFRASTRUCTURE GRANTS TO STATES**

**SEC. 601. TEMPORARY INFRASTRUCTURE GRANTS TO STATES.**

Section 601 of the Social Security Act (42 U.S.C. 801) is amended to read as follows:

**''SEC. 601. TEMPORARY INFRASTRUCTURE GRANTS TO STATES.**

''(a) APPROPRIATION.—There is authorized to be appropriated and is appropriated for making payments to States under this section, $5,000,000,000 for fiscal year 2008.

''(b) PAYMENTS.—From the amount appropriated under subsection (a), the Secretary of the Treasury shall, not later than the later of the date that is 45 days after the date of enactment of this section or the date that a State provides the certification required by subsection (e), pay each State the amount determined for the State under subsection (c).

''(c) PAYMENTS BASED ON POPULATION.—

''(1) IN GENERAL.—Subject to paragraph (2), the amount appropriated under subsection (a) shall be used to pay each State an amount equal to the relative population proportion amount described in paragraph (3).

''(2) MINIMUM PAYMENT.—

''(A) IN GENERAL.—No State shall receive a payment under this section that is less than—

''(i) in the case of 1 of the 50 States or the District of Columbia, ½ of 1 percent of the amount appropriated under subsection (a); and

''(ii) in the case of the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, the Commonwealth of the Northern Mariana Islands, or American Samoa, ⅒ of 1 percent of the amount appropriated under subsection (a).

''(B) PRO RATA ADJUSTMENTS.—The Secretary of the Treasury shall adjust on a pro rata basis the amount of the payments to States determined under this section without regard to this subparagraph to the extent necessary to comply with the requirements of subparagraph (A).

''(3) RELATIVE POPULATION PROPORTION AMOUNT.—The relative population proportion amount described in this paragraph is the product of—

''(A) the amount described in subsection (a); and

''(B) the relative State population proportion (as defined in paragraph (4)).

''(4) RELATIVE STATE POPULATION PROPORTION DEFINED.—For purposes of paragraph (3)(B), the term 'relative State population proportion' means, with respect to a State, the amount equal to the quotient of—

''(A) the population of the State (as reported in the most recent decennial census); and

''(B) the total population of all States (as reported in the most recent decennial census).

''(d) USE OF PAYMENT.—

''(1) IN GENERAL.—Subject to paragraph (2), a State shall use the funds provided under a payment made under this section for infrastructure needs, including—

''(A) construction, maintenance, or repair of highways and bridges;

''(B) mass transit projects;

''(C) public works projects, such as water, wastewater treatment, sewer, or drinking water projects; or

''(D) other capital construction needs.

''(2) LIMITATION.—A State may only use funds provided under a payment made under this section if such funds are obligated for expenditure before October 1, 2008.

''(e) CERTIFICATION.—In order to receive a payment under this section, the State shall provide the Secretary of the Treasury with a certification that the State's proposed uses of the funds are consistent with subsection (d).

''(f) DEFINITION OF STATE.—In this section, the term 'State' means the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, the Commonwealth of the Northern Mariana Islands, and American Samoa.

''(g) REPEAL.—This title is repealed on October 1, 2008.''.

---

**SA 4002.** Mr. SANDERS (for himself and Mrs. CLINTON) submitted an amendment intended to be proposed 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; which was ordered to lie on the table; as follows:

At the appropriate place in the appropriations section, insert the following:

(____) For an additional amount for community health centers under section 330 of the Public Health Service Act (42 U.S.C. 254b), $148,000,000.

(____) For an additional amount for the weatherization assistance program of the Department of Energy, $500,000,000.

(____) For an additional amount to carry out title X of the Energy Independence and Security Act of 2007 (Public Law 110–140; 121 Stat. 1748) and amendments made by that title, $125,000,000.

At the appropriate place, insert the following:

**SEC. _____. TEMPORARY INCREASE IN SPECIALLY ADAPTED HOUSING BENEFITS FOR DISABLED VETERANS.**

(a) IN GENERAL.—Section 2102 of title 38, United States Code, is amended—

(1) in subsection (b)(2), by striking ''$10,000'' and inserting ''$12,000''; and

(2) in subsection (d)—

(A) in paragraph (1), by striking ''$50,000'' and inserting ''$60,000''; and

(B) in paragraph (2), by striking ''$10,000'' and inserting ''$12,000''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall be effective during the period beginning on the date of the enactment of this Act and ending on September 30, 2008.

(c) REVIVAL.—Effective on October 1, 2008, the provisions of subsection (b)(2) and paragraphs (1) and (2) of subsection (d) of such section 2102, as such provisions were in effect on the day before the date of the enactment of this Act, are hereby revived.

**SEC. _____. TEMPORARY INCREASE IN ASSISTANCE FOR PROVIDING AUTOMOBILES OR OTHER CONVEYANCES TO CERTAIN DISABLED VETERANS.**

(a) IN GENERAL.—Section 3902(a) of title 38, United States Code, is amended by striking ''$11,000'' and inserting ''$22,484''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall be effective during the period beginning on the date of the enactment of this Act and ending on September 30, 2008.

(c) REVIVAL.—Effective on October 1, 2008, the provisions of such section 3902(a), as such provisions were in effect on the day before the date of the enactment of this Act, are hereby revived.

---

**SA 4003.** Mr. SANDERS (for himself and Mrs. CLINTON) submitted an amendment intended to be proposed 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; which was ordered to lie on the table; as follows:

On page 69, strike lines 1 through 4 and insert the following:

**TITLE V—ADDITIONAL APPROPRIATIONS**

**SEC. 501. WEATHERIZATION ASSISTANCE.**

In addition to amounts available as of the date of enactment of this Act for the weatherization assistance program of the Department of Energy, there is hereby appropriated for that program $500,000,000.

**TITLE VI—EMERGENCY DESIGNATION OF APPROPRIATED AMOUNTS**

**SEC. 601. EMERGENCY DESIGNATION.**

---

**SA 4004.** Mr. SANDERS (for himself, Mrs. CLINTON, and Mr. KERRY) submitted an amendment intended to be proposed 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; which was ordered to lie on the table; as follows:

On page 69, strike lines 1 through 4 and insert the following:

**TITLE V—ADDITIONAL APPROPRIATIONS**

**SEC. 501. GREEN JOBS.**

In addition to amounts available as of the date of enactment of this Act to carry out title X of the Energy Independence and Security Act of 2007 (Public Law 110–140; 121 Stat. 1748) and amendments made by that title, there is hereby appropriated for that title and those amendments $125,000,000.

**TITLE VI—EMERGENCY DESIGNATION OF APPROPRIATED AMOUNTS**

**SEC. 601. EMERGENCY DESIGNATION.**

---

**SA 4005.** Mr. SANDERS submitted an amendment intended to be proposed 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; which was ordered to lie on the table; as follows:

At the appropriate place in the appropriations section, insert the following:

(____) For an additional amount for community health centers under section 330 of the Public Health Service Act (42 U.S.C. 254b), $148,000,000.

---

**SA 4006.** Mr. CHAMBLISS (for himself, Mr. CRAPO, Mr. DEMINT, and Mr. COBURN) submitted an amendment intended to be proposed 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; which was ordered to lie on the table; as follows:

Strike title V.

---

**SA 4007.** Mr. WYDEN (for himself, Mr. THUNE, Mr. DODD, Mr. SHELBY, Mrs. CLINTON, Mr. DURBIN, Mr. HARKIN, Mr. JOHNSON, Mr. MENENDEZ, Ms. MIKULSKI, Mr. REED, Mr. SANDERS, Mr. SCHUMER, and Mr. WEBB) submitted an amendment intended to be proposed 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; which was ordered to lie on the table; as follows:

At the end, add the following:

**TITLE VI—INCREASED FUNDING FOR HIGHWAY TRUST FUND**

**SEC. 601. REPLENISH EMERGENCY SPENDING FROM HIGHWAY TRUST FUND.**

(a) IN GENERAL.—Section 9503(b) of the Internal Revenue Code of 1986 is amended—

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

''(7) EMERGENCY SPENDING REPLENISHMENT.—There is hereby appropriated to the Highway Trust Fund $5,000,000,000, of which—

''(A) $4,000,000,000 shall be deposited in the Highway Account; and

''(B) $1,000,000,000 shall be deposited in the Mass Transit Account.'', and

(2) by striking ''AMOUNTS EQUIVALENT TO CERTAIN TAXES AND PENALTIES'' in the heading and inserting ''CERTAIN AMOUNTS''.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

**SEC. 602. OBLIGATION AUTHORITY FOR STIMULUS PROJECTS.**

(a) IN GENERAL.—Section 1102 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (23 U.S.C. 104 note; Public Law 109–59) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking ''(g) and (h)'' and inserting ''(g), (h), and (*l*)''; and

(B) paragraph (4), by striking ''$39,585,075,404'' and inserting ''$43,585,075,404''; and

(2) by adding at the end the following:

''(*l*) OBLIGATION AUTHORITY FOR STIMULUS PROJECTS.—

''(1) IN GENERAL.—Of the obligation authority distributed under subsection (a)(4), not less than $4,000,000,000 shall be provided to States for use in carrying out highway projects that the States determine will provide rapid economic stimulus.

''(2) REQUIREMENT.—A State that seeks a distribution of the obligation authority described in paragraph (1) shall agree to obligate funds so received not later than 120 days after the date on which the State receives the funds.

''(3) FLEXIBILITY.—A State that receives a distribution of the obligation authority described in paragraph (1) may use the funds for any highway project described in paragraph (1), regardless of any funding limitation or formula that is otherwise applicable to projects carried out using obligation authority under this section.

''(4) FEDERAL SHARE.—The Federal share of any highway project carried out using funds described in paragraph (1) shall be 100 percent.''.

(b) CONFORMING AMENDMENTS.—

(1) The matter under the heading ''(INCLUDING TRANSFER OF FUNDS)'' under the heading ''(HIGHWAY TRUST FUND)'' under the heading ''(LIMITATION ON OBLIGATIONS)'' under the heading ''FEDERAL-AID HIGHWAYS'' under the heading ''FEDERAL HIGHWAY ADMINISTRATION'' of title I of division K of the Consolidated Appropriations Act, 2008 (Public Law 110–161; 121 Stat. 1844) is amended by striking ''$40,216,051,359'' and inserting ''$44,216,051,359''.

(2) The matter under the heading ''(INCLUDING RESCISSION)'' under the heading ''(HIGHWAY TRUST FUND)'' under the heading ''(LIMITATION ON OBLIGATIONS)'' under the heading ''(LIQUIDATION OF CONTRACT AUTHORITY)'' under the heading ''FORMULA AND BUS GRANTS'' under the heading ''FEDERAL TRANSIT ADMINISTRATION'' of title I of division K of the Consolidated Appropriations Act, 2008 (Public Law 110–161; 121 Stat. 1844) is amended by striking ''$6,855,000,000'' and inserting '', and section 3052 of Public Law 109–59, $7,855,000,000''.

(3) Sections 9503(c)(1) and 9503(e)(3) of the Internal Revenue Code of 1986 are each amended by inserting '', as amended by the Economic Stimulus Act of 2008,''.

**SEC. 603. STIMULUS OF MANUFACTURING AND CONSTRUCTION THROUGH PUBLIC TRANSPORTATION INVESTMENT.**

(a) IN GENERAL.—Title III of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Public Law 109–59; 119 Stat. 1544) is amended by adding at the end the following:

**''SEC. 3052. STIMULUS OF MANUFACTURING AND CONSTRUCTION THROUGH PUBLIC TRANSPORTATION INVESTMENT.**

''(a) AUTHORIZATION.—The Secretary is authorized to make stimulus grants under this section to public transportation agencies.

''(b) ELIGIBLE RECIPIENTS.—Stimulus grants authorized under subsection (a) may be awarded—

''(1) to public transportation agencies which have a full funding grant agreement in force on the date of enactment of this section with Federal payments scheduled in any year beginning with fiscal year 2008, for activities authorized under the full funding grant agreement that would expedite construction of the project; and

''(2) to designated recipients as defined in section 5307 of title 49, United States Code, for immediate use to address a backlog of existing maintenance needs or to purchase rolling stock or buses, if the contracts for such purchases are in place prior to the grant award.

''(c) USE OF FUNDS.—Of the amounts made available to carry out this section, the Secretary shall use to make grants under this section—

''(1) $300,000,000 for stimulus grants to recipients described in subsection (b)(1); and

''(2) $700,000,000 for stimulus grants to recipients described in subsection (b)(2).

''(d) DISTRIBUTION OF FUNDS.—

''(1) EXPEDITED NEW STARTS GRANTS.—Funds described in subsection (c)(1) shall be distributed among eligible recipients so that each recipient receives an equal percentage increase based on the Federal funding commitment for fiscal year 2008 specified in Attachment 6 of the recipient's full funding grant agreement.

''(2) FORMULA GRANTS.—Of the funds described in subsection (c)(2)—

''(A) 60 percent shall be distributed according to the formula in subsections (a) through (c) of section 5336 of title 49, United States Code; and

''(B) 40 percent shall be distributed according to the formula in section 5340 of title 49, United States Code.

''(3) ALLOCATION.—The Secretary shall determine the allocation of the amounts described in subsection (c)(1) and shall apportion amounts described in subsection (c)(2) not later than 20 days after the date of enactment of this section.

''(4) NOTIFICATION TO CONGRESS.—The Secretary shall notify the committees referred to in section 5334(k) of title 49, United States Code, of the allocations determined under paragraph (3) not later than 3 days after such determination is made.

''(5) OBLIGATION REQUIREMENT.—The Secretary shall obligate the funds described in subsection (c)(1) as expeditiously as practicable, but in no case later than 120 days after the date of enactment of this section.

''(e) PRE-AWARD SPENDING AUTHORITY.—

''(1) IN GENERAL.—A recipient of a grant under this section shall have pre-award spending authority.

''(2) REQUIREMENTS.—Any expenditure made pursuant to pre-award spending authorized by this subsection shall conform with applicable Federal requirements in order to remain eligible for future Federal reimbursement.

''(f) FEDERAL SHARE.—The Federal share of a stimulus grant authorized under this section shall be 100 percent.

''(g) SELF-CERTIFICATION.—

''(1) IN GENERAL.—Prior to the obligation of stimulus grant funds under this section, the recipient of the grant award shall certify—

''(A) for recipients described in subsection (b)(1), that the recipient will comply with the terms and conditions that apply to grants under section 5309 of title 49, United States Code;

''(B) for recipients under subsection (b)(2), that the recipient will comply with the terms and conditions that apply to grants under section 5307 of title 49, United States Code; and

''(C) that the funds will be used in a manner that will stimulate the economy.

''(2) CERTIFICATION.—Required certifications may be made as part of the certification required under section 5307(d)(1) of title 49, United States Code.

''(3) AUDIT.—If, upon the audit of any recipient under this section, the Secretary finds that the recipient has not complied with the requirements of this section and has not made a good-faith effort to comply, the Secretary may withhold not more than 25 percent of the amount required to be appropriated for that recipient under section 5307 of title 49, United States Code, for the following fiscal year if the Secretary notifies the committees referred to in subsection (d)(4) at least 21 days prior to such withholding.''.

(b) STIMULUS GRANT FUNDING.—Section 5338 of title 49, United States Code, is amended by adding at the end the following:

''(h) STIMULUS GRANT FUNDING.—For fiscal year 2008, $1,000,000,000 shall be available from the Mass Transit Account of the Highway Trust Fund to carry out section 3052 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users.''.

(c) EXPANDED BUS SERVICE IN SMALL COMMUNITIES.—Section 5307(b)(2) of title 49, United States Code, is amended—

(1) in the paragraph heading, by striking ''2007'' and inserting ''2009'';

(2) in subparagraph (A), by striking ''2007'' and inserting ''2009''; and

(3) by adding at the end the following:

''(E) MAXIMUM AMOUNTS IN FISCAL YEARS 2008 AND 2009.—In fiscal years 2008 and 2009—

''(i) amounts made available to any urbanized area under clause (i) or (ii) of subparagraph (A) shall be not more than 50 percent of the amount apportioned in fiscal year 2002 to the urbanized area with a population of less than 200,000, as determined in the 1990 decennial census of population;

''(ii) amounts made available to any urbanized area under subparagraph (A)(iii) shall be not more than 50 percent of the amount apportioned to the urbanized area under this section for fiscal year 2003; and

''(iii) each portion of any area not designated as an urbanized area, as determined by the 1990 decennial census, and eligible to receive funds under subparagraph (A)(iv), shall receive an amount of funds to carry out this section that is not less than 50 percent of the amount the portion of the area received under section 5311 in fiscal year 2002.''.

---

**SA 4008.** Mr. MCCONNELL (for himself, Mr. STEVENS, Mr. ROBERTS, Mr. BOND, Mr. BROWNBACK, Mr. BUNNING, Mr. CORNYN, Mr. HATCH, Mr. SUNUNU, Mr. ALEXANDER, Mr. BURR, Mr. ISAKSON, Mr. VITTER, Mr. THUNE, Mr. CHAMBLISS, Mr. KYL, Mr. GRAHAM, Mr. CRAIG, and Mr. CRAPO) 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:

Beginning on page 2, strike line 4 and all that follows through page 10, line 20, and insert the following:

**SEC. 101. 2008 RECOVERY REBATES FOR INDIVIDUALS.**

(a) IN GENERAL.—Section 6428 of the Internal Revenue Code of 1986 is amended to read as follows:

**''SEC. 6428. 2008 RECOVERY REBATES FOR INDIVIDUALS.**

''(a) IN GENERAL.—In the case of an eligible individual, 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 lesser of—

''(1) net income tax liability, or

''(2) $600 ($1,200 in the case of a joint return).

''(b) SPECIAL RULES.—

''(1) IN GENERAL.—In the case of a taxpayer described in paragraph (2)—

''(A) the amount determined under subsection (a) shall not be less than $300 ($600 in the case of a joint return), and

''(B) the amount determined under subsection (a) (after the application of subparagraph (A)) shall be increased by the product of $300 multiplied by the number of qualifying children (within the meaning of section 24(c)) of the taxpayer.

''(2) TAXPAYER DESCRIBED.—A taxpayer is described in this paragraph if the taxpayer—

''(A) has qualifying income of at least $3,000, or

''(B) has—

''(i) net income tax liability which is greater than zero, and

''(ii) 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 $75,000 ($150,000 in the case of a joint return).

''(e) DEFINITIONS.—For purposes of this section—

''(1) 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.

''(2) 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, and

''(C) an estate or trust.

''(3) QUALIFYING INCOME.—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, chapter 13, or chapter 15 of title 38, United States Code.

''(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 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 (b)(1)(B), 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) COORDINATION WITH DEFICIENCY PROCEDURES.—For purposes of sections 6211(b)(4)(A) and 6213(g)(2)(F), any reference to section 32 shall be treated as including a reference to this section.''.

(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) APPROPRIATIONS TO CARRY OUT RECOVERY REBATES.—

(1) IN GENERAL.—The following sums are hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2008, to implement the provisions of this section (including the amendments made by this section):

(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.

(d) REFUNDS DISREGARDED IN THE ADMINISTRATION OF FEDERAL PROGRAMS AND FEDERALLY ASSISTED PROGRAMS.—Any credit or refund allowed or made to any individual by reason of section 6428 of the Internal Revenue Code of 1986 (as amended by this section) or by reason of subsection (b) of this section shall not be taken into account as income and shall not be taken into account as resources for the month of receipt and the following two 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.

(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. 2008 recovery rebates for individuals.''.

**SEC. 102. TEMPORARY INCREASE IN LIMITATIONS ON EXPENSING OF CERTAIN DEPRECIABLE BUSINESS ASSETS.**

## AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. DURBIN. Mr. President, I ask unanimous consent that the committee on armed services be authorized to meet during the session of the Senate on Wednesday, February 6, 2008, at 9:30 a.m. in open session to receive testimony on the defense authorization request for fiscal year 2009, the Future Years Defense Program, and the fiscal year 2009 request for operations in Iraq and Afghanistan.

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Wednesday, February 6, 2008, at 10 a.m., in room SD–366 of the Dirksen Senate Office Building in order to conduct a hearing. At this hearing, the Committee will hear testimony regarding Department of Energy's budget for fiscal year 2009.

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

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on Wednesday, February 6, 2008 at 10 a.m. in room 406 of the Dirksen Senate Office Building in order to hold a hearing entitled, ''Perectives on the Surface Transportation Commission Report.''

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

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on Wednesday, February 6, 2008 in room 410 of the Dirksen Senate Office Building at 10:05 a.m. in order to hold a business meeting to consider the following item: S. 2146, a bill to authorize the Administrator of the Environmental Protection Agency to accept, as part of a settlement, diesel emission reduction Supplemental Environmental Projects, and for other purposes.

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

COMMITTEE ON FINANCE

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Wednesday, February 6, 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.''

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

COMMITTEE ON FOREIGN RELATIONS

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, February 6, 2008, at 9:30 a.m. in order to hold a hearing on denuclearization of the Korean peninsula.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, February 6, 2008, at 1 p.m. in order to hold a nomination hearing.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, February 6, 2008, at 3 p.m. in order hold a briefing on Sudan.

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

## PRIVILEGES OF THE FLOOR

Mr. BAUCUS. Mr. President, I ask unanimous consent that the following fellows, interns, and detailees of the staff of the Finance Committee be granted the privilege of the floor for the duration of the debate on the economic stimulus bill: Mary Baker, Tom Louthan, Elise Stein, Susan Hinck, Suzanne Payne, Hy Hinojosa, Connie Cookson, Mollie Lane, Ben Miller, Emily Schwartz, Tyler Gamble, Blake Thompson, Michael Bagel, and Kayleigh Brown.

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

The majority leader is recognized.

Mr. REID. Mr. President, I ask unanimous consent that Jeffry Phan, a fellow in Senator BINGAMAN's office, be given the privileges of the floor for the pendency of H.R. 5140 and all votes thereon.

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

## DO-NOT-CALL IMPROVEMENT ACT OF 2007

Mr. DURBIN. I ask unanimous consent that the Commerce Committee be discharged from further consideration of H.R. 3541, and the Senate proceed to its immediate consideration.

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

The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 3541) to amend the ''Do-not-call'' Implementation Act to eliminate the automatic removal of telephone numbers registered on the Federal ''do-not-call'' registry.

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

Mr. DURBIN. I ask unanimous consent that the bill be read a third time, passed, the motion to reconsider be laid upon the table with no intervening

action or debate, and any statements related to the bill be printed in the RECORD.

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

The bill (H.R. 3541) was ordered to be read a third time, was read the third time, and passed.

## MEASURE READ THE FIRST TIME—S. 2596

Mr. DURBIN. I understand there is a bill at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (S. 2596) to rescind funds appropriated by the Consolidated Appropriations Act of 2008 for the City of Berkeley, California, and any entities located in such city, and to provide that such funds shall be transferred to the Operation and Maintenance, Marine Corps account of the Department of Defense for the purposes of recruiting.

Mr. DURBIN. I now ask for its second reading and, in order to place the bill on the calendar under the provisions of rule XIV, I object to my own request.

The PRESIDING OFFICER. Objection is heard.

The bill will receive its second reading on the next legislative day.

## REMOVAL OF INJUNCTION OF SECRECY—TREATY DOCUMENT NO. 110–14

Mr. DURBIN. Mr. President, as in executive session, I ask unanimous consent that the Injunction of Secrecy be removed from the following treaty transmitted to the Senate on February 6, 2008 by the President of the United States: International Convention Against Doping in Sport (Treaty Document No. 110–14).

I further ask unanimous consent that the treaty be considered as having been read the first time, that it be referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed, and that the President's message be printed in the RECORD.

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

The message of the President is as follows:

*To the Senate of the United States:*

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the International Convention Against Doping in Sport, adopted by the United Nations Educational, Scientific, and Cultural Organization on October 19, 2005.

The United States supported the development of the Convention as a means to ensure equitable and effective application and promotion of anti-doping controls in international competition. The Convention will help to advance international cooperation on and promotion of international doping control efforts, and will help to protect the integrity and spirit of sport by supporting efforts to ensure a fair and doping-free environment for athletes.

The International Olympic Movement has been supportive of the promotion and adoption of this Convention by the international community. Ratification by the United States will demonstrate the United States' longstanding commitment to the development of international anti-doping controls and its commitment to apply and facilitate the application of appropriate anti-doping controls during international competitions held in the United States. Ratification will also ensure that the United States will continue to remain eligible to host international competitions. The Convention does not cover U.S. sports leagues.

I recommend that the Senate give prompt and favorable consideration to the Convention and give its advice and consent to ratification.

GEORGE W. BUSH.

THE WHITE HOUSE, *February 6, 2008*.

## ORDERS FOR THURSDAY, FEBRUARY 7, 2008

Mr. DURBIN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 10:30 a.m., tomorrow, February 7; that following the prayer and pledge, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and that the majority leader then be recognized.

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

## RECESS UNTIL 10:30 A.M. TOMORROW

Mr. DURBIN. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in recess under the previous order.

There being no objection, the Senate, at 7:32 p.m., recessed until Thursday, February 7, 2008, at 10:30 a.m.

## NOMINATIONS

Executive nominations received by the Senate:

### DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SUSAN D. PEPPLER, OF CALIFORNIA, TO BE AN ASSISTANT SECRETARY OF HOUSING AND URBAN DEVELOPMENT, VICE PAMELA HUGHES PATENAUDE.

### DEPARTMENT OF STATE

LINDA THOMAS-GREENFIELD, OF LOUISIANA, 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 LIBERIA.

### FOREIGN SERVICE

THE FOLLOWING-NAMED CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE DEPARTMENT OF AGRICULTURE FOR PROMOTION WITHIN AND INTO THE SENIOR FOREIGN SERVICE TO THE CLASSES INDICATED:

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER:

ALLAN P. MUSTARD, OF WASHINGTON

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR:

NICHOLAS E. GUTIERREZ, OF TEXAS
LLOYD S. HARBERT, OF VIRGINIA
ROSS GLANTON KREAMER, OF KENTUCKY
KENT D. SISSON, OF IDAHO
ROBIN TILSWORTH, OF CALIFORNIA

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR:

W. QUINTIN GRAY, OF NORTH CAROLINA
JONATHAN P. GRESSEL, OF FLORIDA
JEFFREY A. HESSE, OF VIRGINIA
JAMES JOSEPH HIGGISTON, OF NEW YORK
ROBERT K. HOFF, OF CALIFORNIA
S. RODRICK MCSHERRY, OF NEW MEXICO
DALE L. MAKI, OF TEXAS
DAVID C. MILLER, OF WASHINGTON
OSVALDO E. PEREZ-RAMOS, OF THE DISTRICT OF COLUMBIA
SUSAN R. SCHAYES, OF VIRGINIA
DAVID GOODSON SALMON, OF MISSOURI
KEVIN N. SMITH, OF ILLINOIS

### DEPARTMENT OF JUSTICE

RALPH E. MARTINEZ, OF FLORIDA, TO BE A MEMBER OF THE FOREIGN CLAIMS SETTLEMENT COMMISSION OF THE UNITED STATES FOR A TERM EXPIRING SEPTEMBER 30, 2010, VICE LARAMIE FAITH MCNAMARA.

# EXTENSIONS OF REMARKS

## PERSONAL EXPLANATION

### HON. TOM FEENEY

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 6, 2008*

Mr. FEENEY. Madam Speaker, I regret that on January 29, 2008, due to the Florida primary I was unable to be in Washington for votes.

## HONORING EARL WILLIAMS

### HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 6, 2008*

Ms. LEE. Madam Speaker, I rise today to honor the brilliant life of Mr. Earl Williams. Earl was a caring friend, family member, and leader in the community. He will be greatly missed, but the positive impact he has left will remain in the hearts of all who had the honor of knowing him.

It is with a deep sense of sadness that I rise today to deliver condolences to the family and friends of a great man, a brilliant human being and a true servant of God. However, it is also with a deep sense of gratitude to Earl's family and friends for sharing this loyal, patriotic, and compassionate man with us that I rise to celebrate his life and honor his legacy.

As a person committed to those who are most vulnerable and most in need in our world, Earl was committed to creating safe havens for individuals who needed the love and kindness of their neighbors to see them through difficult times. He worked tirelessly as an administrator and part owner of Garden Plaza Convalescent Home in Los Angeles, CA. Earl was also the founder of Liberty Child Care Center in Chicago.

His wide reach—involved in communities as different as Chicago and Los Angeles—and his limitless compassion drove his intentions to service humankind, and to do the Lord's work on this earth.

Earl was a true patriot, serving his country as an outstanding and dedicated member of the United States Army. He and his family were proud of his service, and our country owes him a debt of gratitude for his commitment to his country.

As a devoted family man, Earl always demonstrated his unwavering and unconditional love, loyalty, and devotion to each and every member of his family. He was a true role model to those whose lives he touched in so many ways.

Today, I join with Earl's family and friends in bidding him farewell. I salute Earl Williams for a life well lived. Let us keep his legacy alive by recommitting our lives to his work and to his values to make this a better world. May his beautiful spirit continue to live and guide our lives, helping us to be true to our family, our friends, our community, our country, and most importantly, to our God.

Today, California's Ninth Congressional District joins with the communities of Los Angeles, CA, Chicago, IL, and all the places where Earl William's love touched the lives of those who knew him, to salute and honor a great human being. We extend our deepest condolences to Earl's family. Thank you for sharing his great spirit with so many. May his soul rest in peace.

## RECOGNIZING MELISSA BOOSMAN FOR ACHIEVING THE GOLD AWARD

### HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 6, 2008*

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Melissa Boosman, a very special young woman who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Girl Scouts of America, Troop 1262, and by earning the most prestigious Gold Award.

Less than 1 percent of all Girl Scouts in the United States earn this prestigious award, the highest award in Girl Scouting. It symbolizes outstanding accomplishments in the areas of leadership, community service, career planning and personal development.

Melissa has been very active with her troop, participating in many Scout activities. Over the many years Melissa has been involved with Scouting, she has not only earned numerous merit badges, but the respect of her family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Melissa Boosman for her accomplishments with the Girl Scouts of America and for her efforts put forth in achieving the highest distinction in Girl Scouting, the Gold Award.

## TRIBUTE TO CLARENCE CENTER VOLUNTEER FIRE CO.

### HON. THOMAS M. REYNOLDS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 6, 2008*

Mr. REYNOLDS. Madam Speaker, it is with great pride that I rise today to commemorate the 100th anniversary of the Clarence Center Volunteer Fire Company of Clarence, New York. For a century the members of the Clarence Hose Company have been volunteering to protect their neighbors.

The Clarence Center Volunteer Fire Company became the first fire company in the town of Clarence in 1908. The company began as a stock company and was able to purchase a hand drawn hose cart and chemical fire extinguishers. Land for a fire hall was donated to the fire company by a local businessman, and fundraising for the construction began in July 1908 with the first firemen's picnic in Clarence. With the help of a local farmer, Wesley Williams, the company raised enough money to construct Williams Hall.

The year 1922 marked a milestone for the Clarence Center Volunteer Fire Company. In February of this year the company was able to purchase its first fire truck. The acquisition of this truck was important to the protection that the fire company offered the people in Clarence. Additionally, the first annual Labor Day picnic was held in 1922. This is a time-honored event in the town of Clarence; not only is it a way for the fire company to raise funds for improvements to the equipment used to serve the people of Clarence, but it is an event that families throughout the town look forward to every year.

Since its beginnings the Clarence Volunteer Fire Company has become an indispensable part of the town. The company remains committed to providing fire, rescue, and EMS services to the citizens that reside within the district boundaries. They've continued to meet the needs of the rapidly growing population of Clarence Center. As we reach the 100th anniversary of this fire company the volunteers continue to dedicate themselves to serve and assist the members of their community.

Thus Madam Speaker, in recognition of its 100th anniversary of tremendous service in the town of Clarence, I ask this Honorable Body join me in honoring the Clarence Center Volunteer Fire Company.

## HONORING DR. RICHARD WITKOWSKI, SUPERINTENDENT OF THE GARDEN CITY PUBLIC SCHOOLS

### HON. THADDEUS G. McCOTTER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 6, 2008*

Mr. McCOTTER. Madam Speaker, today I rise to honor and acknowledge Dr. Richard Witkowski, Superintendent of the Garden City Public Schools, upon his retirement from a distinguished 41-year career in education.

For just over four decades, Superintendent Witkowski has served the citizens of Wayne County. Richard began his 39-year tenure with the Garden City Public Schools in 1969 after 2 years with the Gibraltar schools. Throughout his distinguished career with the Garden City Public Schools, Richard served as both an educator and administrator. Mr. Witkowski began as a mathematics and science teacher at Garden City East High School in 1969 before moving across town and becoming Assistant Principal at Garden City West High School in 1971. Mr. Witkowski discovered an innate talent for administration, being promoted to director in the central office in 1974, business manager for the district in 1985, associate superintendent, and superintendent in 2001.

Superintendent Witkowski will be best remembered for his dedication, both to his job and community. Shortly after his promotion to

superintendent, Richard was tested with several crises, including the September 11, 2001 terrorist attacks and a bacterial meningitis outbreak at the high school, which resulted in a first-ever schoolwide inoculation of the students. He also oversaw the rebuilding of the district's five elementary schools, assisting school staff in directing students to buses, which would take students to their temporary classrooms. Witkowski remains active in the community as a member of the Garden City Rotary and the Garden City Chamber of Commerce. Richard has served as president of both organizations and currently serves as treasurer of the Rotary. Superintendent Witkowski will also continue his commitment to education and connection with students through the class he teaches at Madonna University in Livonia.

Madam Speaker, for 41 years Superintendent Richard Witkowski has faithfully served Michigan citizens of all ages. As he enters the next phase of his life, he leaves behind a legacy of dedication, integrity, and excellence. Today, I ask my colleagues to join me in congratulating Superintendent Richard Witkowski upon his retirement and recognizing his years of loyal service to our community's and country's future.

## HONORING MR. WILLIAM T. LICHTER

### HON. PETER J. ROSKAM

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 6, 2008*

Mr. ROSKAM. Madam Speaker, I rise today to honor William Lichter for his 29 years of devoted service to the Village of Lombard, Illinois.

In early life, Bill served as Assistant City Manager for Mentor, Ohio and Administrative Assistant in Grand Rapids, Michigan. He earned a bachelor's degree from the University of Vermont. He then earned a Master's degree in Political Administration from American University and is also currently a Ph.D. candidate at Northern Illinois University.

Bill Lichter began his service to the Village of Lombard on January 7, 1985, when he became its ninth Village Manager. Since that day, he has served with vision and fortitude for over 22 years.

Through the years, Bill has been an insightful observer, keen in his understanding of the long-term challenges facing the Village. Throughout his career, he has tackled these challenges with deft skill, deep understanding, and strong personal integrity.

While Lombard has gone through change after change over the years, one thing has remained the same. Bill Lichter has kept a steady hand to the wheel, advising the Village Board and working tirelessly for the benefit of his community.

Bill has had many accomplishments over the years, though they are too numerous to list exhaustively. Chief among them, however, are his success in improving the Village's long-term financial forecasting and management and his rewarding efforts to promote local economic development.

Bill Lichter has been an advocate for the people of Lombard since his very first days in office more than two decades ago. In his time with the Village, he has affected countless lives and left an indelible impression on Lombard and its residents.

Madam Speaker and Distinguished Colleagues, Bill Lichter is a remarkable man who has dedicated his life to serving the people of Lombard. Please join me in honoring this unsung hero for his extraordinary career and wishing him every happiness in the well deserved respite of his retirement.

## PERSONAL EXPLANATION

### HON. KIRSTEN E. GILLIBRAND

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 6, 2008*

Mrs. GILLIBRAND. Madam Speaker, I missed one vote on Tuesday, January 29, 2008. Had I been present, I would have voted in the following way: Final passage of New England National Scenic Trail Designation Act, H.R. 1528 (Rollcall No. 28): I would have voted "yea."

## TRIBUTE TO NATIONAL CHILDREN'S DENTAL HEALTH MONTH

### HON. MICHAEL K. SIMPSON

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 6, 2008*

Mr. SIMPSON. Madam Speaker, I rise today to pay tribute to National Children's Dental Health Month. Each February, the American Dental Association sponsors National Children's Dental Health Month to raise awareness about the importance of oral health. As a part of their awareness efforts, dentists and dental hygienists from across the country and in my home State of Idaho join together and volunteer their time to provide free care to children.

As a dentist, I understand the need for children to receive proper dental care. This includes going to the dentist regularly for checkups and treatment when problems arise. Oral health is critical to a person's overall health and means more than healthy teeth. Research continues to show that many diseases and conditions show themselves in the mouth. For people who don't have access to dental care, oral disease is almost 100 percent inevitable—and almost 100 percent preventable.

This is particularly heartbreaking when it affects our children. Children with poor oral health can have problems eating, sleeping properly, paying attention in school and even smiling, because they suffer constant pain. Unfortunately, many of us don't realize the extent and severity of untreated dental disease in children.

In my State of Idaho, over 35 percent of children lack dental insurance. More than 25 percent of elementary school-aged children in Idaho suffer from untreated tooth decay. If the problems go untreated, a child will often end up in a hospital emergency or operating room, which costs far more than a trip to the dentist.

Hundreds of dentists and oral healthcare providers in Idaho and across the country donate their time and energy to help this cause, and I graciously thank them. While National Children's Dental Health Month will not solve the issues of access to oral healthcare by itself, it is a great opportunity to raise awareness of the importance of oral health and provide care to our most important and vulnerable resource—our children.

## NICHOLAS ROYCE, FIFTY YEARS AND STILL FIGHTING THE GOOD FIGHT

### HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 6, 2008*

Mr. BERMAN, Madam Speaker, the name Nicholas Royce deserves to be added to the list of dedicated Americans who exemplify the spirit of achievement. He has earned this recognition for his long and outstanding career as a performer, and his devotion to many entertainment industry humanitarian causes, typifying the altruism that is so much a part of the American character.

Of special significance is the fact that through his life, he has been in the forefront with the independent efforts and advocacy for civil, constitutional, human and spiritual rights.

He was born in Bethlehem, Pennsylvania to Theodore and Anastasia Vlangas, both natives of Sparta, Greece. At the age of 6 years old his family moved to Baltimore, Maryland where he became aware that this faith and origin were different from most Americans. Challenged by ethnic and religious obstacles, he became motivated to learn every truth he could about his faith and his origin.

With the encouragement of his sister Stella, he made his show business debut at the Lord Baltimore Hotel and followed that with a successful tour of the east coast during school vacation, and all at the age of 14, and with his parents' blessing.

After high school he entered the Armed Forces and entertained WWII vets in the Army base hospitals in the United States and Japan. Because of his ethnic look he became known as the Greek Fred Astaire in G.I. clothing.

The Armed Forces had limited religious choices; Protestant, Catholic and Jewish. Where's a poor Greek Orthodox kid to go for religious salvation? Thanks to Nicholas and his late friend Senator Leverett Saltonstall, representing 500,000 Orthodox Catholics who fought and died for the constitution, a bill reached Congress in 1955 to create such a place in the military. Today servicemen wear tags designating Eastern Orthodoxy and have Orthodox chaplains. Thirty-three States quickly recognized Eastern Orthodoxy as a major faith.

After he left the service, the American Legion's Pennsylvanian district honored Royce for his continued efforts as an entertainer to bring joy to veterans in hospitals.

After his visit to Turkey in 1965, Royce waged a tireless campaign to return St. Sophia Cathedral in Istanbul to an open house of worship instead of a museum. It was converted to a mosque in 1453 and Royce changed history with that campaign. Thanks to Royce, "the Orthodox Christian cry for help" has been taken to the United Nations human rights office in Geneva, European parliament, European Union, and to every religious and world leader and to every President since the Carter administration.

Vlangas became Royce at his agent's request and with his parents' blessing, thus following the show business practice of the time. He changed his name, but never forgot who he was. Even at the height of his career in the late 40s and 50s the Nicholas Royce dancers stood for all good things and wowed 'em with Nat King Cole's "Calypso Blues", and a modern dance number based on "Harlem Nocturn". They performed in all the top supper clubs, niterys and TV shows; Ed Sullivan, Milton Berle, Kate Smith, etc.

From his new home in California, starting in 1957, Nicholas Royce has exercised his rights as a layman of the Orthodox faith. He launched a vigorous letter writing campaign to mass media, Government officials, private and public agencies, industry and individuals, and he has succeeded in broadening the public's understanding and recognition of the Orthodox faith. Because "exclusion of Orthodoxy is a form of discrimination and prejudice", Nicholas has made these efforts, so Orthodoxy would be an integral part of American life along with other major faiths.

Retired since 1994, Royce now resides in Valley Village, California. Retirement has given him more time to fight for AIDS victims, the homeless, and abused women and children. He broke the stereotype by joining the Hollywood Women's Press Club, Women in Film, and American Women in Radio and TV. In 1996, the University of Minnesota's Immigration history Research Center was pleased to announce the addition of "the Nicholas Royce papers" to their archival library.

Never one to rest on his laurels, he continues to accept new challenges.

## PERSONAL EXPLANATION

### HON. TOM FEENEY

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 6, 2008*

Mr. FEENEY. Madam Speaker, I regret that on January 28, 2008, due to travel complications, I was unable to vote on H.R. 4140 and S. 2110. Had I been present, I would have voted "yea."

## HONORING DR. ASA G. HILLIARD III

### HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 6, 2008*

Ms. LEE. Madam Speaker, I rise today to honor the extraordinary life of Dr. Asa G. Hilliard III (Baffour Amankwatia II). A devoted father, husband, mentor, and world-renowned humanitarian who worked tirelessly and inspired us all, Dr. Hilliard will be sorely missed by us all. Asa passed away on August 13, 2007.

An accomplished academic and devoted professor, Dr. Hilliard affected the lives of thousands of students. He was not only a mentor in his community, but a hero in the African Diaspora Movement. Dr. Hilliard began his academic career in Denver, where he earned a B.A. in Education Psychology, an M.A. in counseling, and a Ed.D in Education Psychology at the University of Denver.

Dr. Hilliard launched his professional career at the University of Denver, teaching at the College of Education and in Philosophy colloquium of the Centennial Scholars Honor Program. After moving with his family to California, Dr. Hilliard dedicated 18 years of his life to San Francisco State University. During this time, he served as Department Chair for two years, Dean of Education for eight years while also working as a consultant for the Peace Corps. Dr. Hilliard's influence and reach was truly global. As he mentored and taught students in the United States, he also made constant visits to Africa, serving as the Superintendent of Schools in Monrovia, Liberia for two years.

Dr. Hilliard was a founding member of the association for the study of Classical African Civilization, serving as its first Vice President. He was co-developer of a popular educational television series Free Your Mind, Return to the Source: African Origins and produced many videotapes and educational materials on African-American History through his production company, Weset Education Productions. Dr. Hilliard was so groundbreaking and forward-thinking in his approach to education that several of his methods have become national models in the field.

Dr. Hilliard was a purposeful man with an unquenchable passion for education and the preservation of his culture's history and traditions. Without reservation, Dr. Asa Hilliard significantly changed the world with his dedication to the preservation, study, and spiritual understanding of Africa, African Americans, and Africans in Diaspora throughout the world.

One of my long standing desires was to travel to Egypt with Dr. Hilliard on one of his study tours. Each time I saw him I mentioned this and we both were very excited about the prospect. Due to my hectic schedule, this never happened. As God will have it, I was in Ghana, West Africa, at the Cape Coast Slave Castle when I learned from Reverend Jeremiah Wright through Congressman Jesse Jackson, Jr. that Asa had passed the day before in Egypt. Like many, I was devastated and saddened, yet thankful to his family and to God for his amazing life. I reflected upon his death in Egypt in a prayerful manner, and took pause to commemorate this great soul.

His loving wife, Mrs. Patsy Jo Hilliard, has quoted Asa as repeatedly saying, "It is not enough for us to be bright and competent. We must also have purpose and direction. It is not enough for us to 'make it' on our own—to save ourselves. As Abena says in Armah's novel, Two Thousand Seasons, 'There is no self to save without the rest of us.'" In this way, Dr. Hilliard touched and influenced the lives of all who were privileged to come into contact with him.

On behalf of California's 9th Congressional District, we salute and honor a great human being, our beloved Asa G. Hilliard III. We extend my deepest condolences to Asa's family, and our deepest gratitude to them for sharing this great spirit with us. May his soul rest in peace, and may we continue to benefit from the positive impact he left on the world.

## RECOGNIZING NICHOLAS B. HANSER FOR ACHIEVING THE RANK OF EAGLE SCOUT

### HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 6, 2008*

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Nicholas B. Hanser, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America and in earning the most prestigious award of Eagle Scout.

Nicholas has been very active with his troop, participating in many scout activities. Over the many years Nicholas has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Nicholas B. Hanser for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

## TRIBUTE TO EGGERTSVILLE HOSE COMPANY

### HON. THOMAS M. REYNOLDS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 6, 2008*

Mr. REYNOLDS. Madam Speaker, it is with great pride that I rise today to commemorate the 100th anniversary of the Eggertsville Hose Company of Amherst, New York. For a century the members of the Eggertsville Hose have been volunteering to protect their neighbors.

The Eggertsville Hose began in 1906 in a corner meat packing store after a series of household fires could not be extinguished. The two home blazes were unable to be controlled by the bucket brigade, the fire fighting team at the time. Residents of Eggertsville then banded together to form an organization that would provide better fire protection to the community.

This fire company was incorporated in May 1908. The Eggertsville Hose was the first fire company in the town of Amherst outside of the Village of Williamsville. Fighting to protect the members of their community is the main priority of this 100 percent volunteer fire district. No matter what it takes these volunteers rise to the call of duty.

The Eggertsville Hose is an indispensable part of the Amherst Community, the members of the Hose have dedicated countless hours of service to assist their neighbors. As the population in the district grows the Eggertsville Hose advances along with the rising need for their service. In 1995 the fire station was moved to the center of the district which allows the Hose to respond to emergencies in all areas in a shortened period of time. The new station location along with new equipment and technology makes it possible for the volunteer fire fighters to be increasingly effective in their firefighting capabilities.

The citizens of Eggertsville know that they will be protected by the brave firefighters of the Eggertsville Hose whenever disasters occur or fires flare up. Madam Speaker, in

recognition of its 100th anniversary of tremendous service in the town of Amherst, I ask this honorable body join me in honoring the Eggertsville Hose Company.

## HONORING MS. BETTYE BANKS

### HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 6, 2008*

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I rise today to mark the retirement and celebrate the career of a true community leader, Ms. Bettye Banks. This year will mark 30 years of her outstanding service with Consumer Credit Counseling of Greater Dallas, with whom she has dedicated her professional career to providing financial education to citizens of North Texas.

Ms. Banks began her career as a secretary with Consumer Credit Counseling of Dallas in 1978. Her work ethic, diligence, and intellect allowed her to easily move up through the ranks, serving as office manager and counselor, among other positions.

In 1990, Ms. Banks singlehandedly created the education program, aimed at teaching financial wellness and literacy. Today, Ms. Banks is the senior vice-president for Consumer Counseling of Dallas and responsible for overseeing the financial wellness initiatives of the Education Department. With her vision and leadership, the department has also grown to include 41 individual presentations on money and credit related topics. Ms. Banks has truly been an asset to the department and has left a lasting impression on its growth and impact in the community.

In a true testament to her spirit, while working full time at CCCS Dallas, she completed her bachelor's degree in applied business practice. She has also earned professional certification as a Consumer Credit Counselor, Certified Financial Counseling Executive and Housing Counselor.

Among her many accomplishments, Ms. Banks has authored a series of consumer-finance workbooks and taught over 3,000 seminars and workshops. Her reputation as an expert in the fields has generated contributions in multiple publications, including Today's Dallas Woman and Dallas Family. She has appeared on CBS, NBC and ABC and is sought out as a conference speaker on the topics of financial wellness.

Additionally, Ms. Banks is an active community leader, serving on the boards of the Greater Dallas Rotary Club, the Dallas Legal Roundtable, and Friends of Consumer Freedom, among others. She has been a member of numerous local organizations including the North Texas Affordable Housing Coalition, Family Financial Advisory Council and the Dallas Downtown Rotary.

There is no doubt that Ms. Banks has generated a monumental legacy at CCCS Dallas. Through her drive and fortitude, she has undoubtedly elevated the organization, and her leadership will be missed. At this milestone in her life, I would like to take the time to commend her for her commitment to the community and education. I extend my best wishes for her retirement and thank her for her invaluable friendship.

## RECOVERY REBATES AND ECONOMIC STIMULUS FOR THE AMERICAN PEOPLE ACT OF 2008

SPEECH OF

### HON. AL GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 29, 2008*

Mr. AL GREEN of Texas. Madam Speaker, today, Congress passed a $146 billion, bipartisan economic stimulus bill that will quickly send hundreds of dollars to poor and middle-class working families while offering businesses one-time incentives to invest in new equipment. Although there is much more to do if we are to meet the needs of American families, including extending unemployment benefits and food stamps, I believe that this stimulus is an important first step in our effort to help hardworking Americans.

This broad-based stimulus package will provide tax relief of up to $600 per individual and $1,200 per married couple, plus an additional $300 per child. Recovery rebate checks could be sent as early as mid-May, getting money to Americans who will spend it immediately to reinvigorate the economy. In Texas alone, approximately 8.6 million families will receive rebates averaging over $900. Nationwide, over 111 million families would receive these rebate checks, including 35 million with earnings too low to pay income taxes. More than 19 million of these are families with children and 13 million are struggling seniors. Nearly $50 billion of the rebate will go to middle-income Americans and those aspiring to it. Economists estimate that each dollar of broad tax cuts leads to $1.26 in economic growth.

The economic stimulus bill also helps address the crisis we are facing in our home mortgage market by permitting more borrowers facing defaults to refinance through the Federal Housing Administration (FHA). For 2008, the bill increases the FHA loan limits up to $729,750 from $362,790 to expand affordable mortgage loan opportunities for families at risk of foreclosure. In addition, the bill also enhances credit availability in the mortgage market by including a 1-year increase in the conforming loan limits for single family homes from Fannie Mae and Freddie Mac from $417,000 up to $729,750 for 2008. These increases in loan limits will benefit areas where housing costs are higher than the national average.

Mortgage rates on loans that currently exceed these loan limits are much more expensive than for smaller loans. These higher rates have hurt demand for housing in high-cost areas. The provisions in the stimulus will lower borrowing costs for many Americans, including middle-class families in high-cost cities to those who may be facing foreclosure. More importantly, this will allow more homeowners to refinance their existing mortgages, thereby increasing the effectiveness of the interest freeze for some subprime borrowers brokered by the Treasury in December. This is because more borrowers will be able to take advantage of the freeze to refinance into new FHA loans.

Finally, this bill will promote small business investment in equipment, which will spur job creation here at home. The bipartisan plan doubles the amount small businesses can immediately write off their taxes for capital investments made in 2008 from $125,000 to $250,000, for purchases of new equipment of up to $800,000 (from $500,000). It also provides immediate tax relief for all businesses to invest in new plants and equipment by speeding up depreciation provisions, so that firms can write off an additional 50 percent for investments purchased in 2008.

While more needs to be done, I am confident that this bipartisan economic stimulus package will help many American families in the weeks and months ahead.

## IN HONOR OF THE UNIVERSITY OF DELAWARE DEPARTMENT OF PUBLIC SAFETY

### HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 6, 2008*

Mr. CASTLE. Madam Speaker, it is with great pleasure that I rise today to pay tribute to the University of Delaware Department of Public Safety for being recognized by the Commission of Accreditation for Law Enforcement Agencies, an independent organization created by the International Association of Chiefs of Police, the National Organization of Black Law Enforcement Executives, the National Sheriffs' Association and the Police Executive Research Forum. The importance of public safety officers within our community, and in particular within the University of Delaware, cannot be underscored enough. I am proud to represent a State that is home to such selfless and dedicated officers as those at the University of Delaware Department of Public Safety.

The University of Delaware is now a member of an elite group of public safety agencies in the United States, Canada, Mexico, and Barbados that have received this prestigious, international award. The men and women of the Department have shown great dedication and commitment to providing quality service and protection to all students, faculty, and staff at the University of Delaware campus.

Employing only a total of forty-two officers on its Wilmington and Lewes campuses with approximately twenty security offices, the Department of Public Safety has no easy task as the University of Delaware has a large enrollment with students living on and off campus in the town of Newark. Despite this challenging task, the department has provided and continues to provide the highest quality protection and service to the University of Delaware community.

The citizens of Delaware deserve to know that the University of Delaware Department of Public Safety, has taken extraordinary steps to demonstrate their professionalism and pride in delivering quality public service to the University of Delaware community. I am tremendously proud of the Department of Public Safety and would like to commend and thank the men and women of the Department for the sacrifices and commitment that they make on a daily basis. The bravery and hard work of all those involved with this outstanding organization is responsible for making Delaware a safer place to live.

## THANKING MS. ELAINE COMER FOR HER SERVICE TO THE HOUSE

### HON. ROBERT A. BRADY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 6, 2008*

Mr. BRADY of Pennsylvania. Madam Speaker, on the occasion of her retirement in January 2008, we rise to thank Ms. Elaine Comer for 32 years of outstanding service to the U.S. House of Representatives.

Elaine began her career at the House as a Programmer Analyst at House Information Resources (HIR) and has held and mastered many positions, each with increasing responsibility as she continually served this great institution as a valuable employee of HIR within the Office of the Chief Administrator.

In the mid-1970s, when the House first began using minicomputers, Elaine designed, developed, and implemented the first House-developed Member Office Support System, as well as mission-critical legislative systems. Elaine was selected to represent the House in a cross-government team with the Senate and the White House that resulted in the House-wide implementation of an integrated Local Area Network (LAN) to support House committees. These accomplishments led to her instrumental involvement in an HIR-wide PC LAN implementation automating project management and time accounting.

Elaine's management abilities were showcased as she oversaw project support to 30 mission-critical House applications, provided key coordination in the modernization of the Data Center, was appointed the HIR representative to the CAO Business Process Improvement Team, and led the Process and Procedures project that supports the House Business Continuity/Disaster Recovery Program. Elaine's contributions to the House culminated in her expert management of the Configuration Management and Quality Assurance programs for the CAO.

On behalf of the entire House community, we extend congratulations to Elaine for her many years of dedication and outstanding contributions to the U.S. House of Representatives. We wish Elaine many wonderful years in fulfilling her retirement dreams.

## HONORING NATIONAL GUARD DAY CELEBRATIONS AT THE INDIANA STATEHOUSE

### HON. BARON P. HILL

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 6, 2008*

Mr. HILL. Madam Speaker, today, the Indiana National Guard is hosting a National Guard Day at the Indiana Statehouse. This event will highlight our Hoosier citizen soldiers' capabilities, and provide an update as to their status as they prepare to deploy to Iraq. The event will also show strong support for the families of our Hoosier Guardmembers.

I applaud Maj. Gen. Umbarger's work with the Indiana National Guard. He has been an unwavering champion of the Indiana National Guard. His efforts today are to show support for Guardmembers and their families, as well as to help elected leaders and citizens better understand the role of the National Guard.

On this day, I too would like to express my support and deepest thanks to our Guardmembers, and their families. Many of these brave men and women are preparing to leave their homes, their loved ones, and their lives stateside in order to defend our Nation. Their commitment to duty and steadfast determination is an example to Hoosiers, and all Americans alike. They all deserve our most heartfelt thanks and admiration. Our Hoosier Guardmembers and their families will be in my prayers.

## HONORING THE BLUE STAR MOTHERS OF AMERICA CHAPTER #101 AND THE MARINES' MEMORIAL ASSOCIATION

### HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 6, 2008*

Mr. THOMPSON of California. Madam Speaker, together with Representatives MILLER, STARK, TAUSCHER and MCNERNEY, I rise today to honor and thank the California East Bay Chapter of Blue Star Mothers of America and the Marines' Memorial Association. With the support of the Marines' Memorial Association and Major General Michael Myatt (Ret.), the Blue Star Moms are hosting their third event for Gold Star parents who have lost a child in service to our country.

The East Bay Blue Star Moms was founded when Patty Martin, Peggy Conklin and Nancy Ecker reached out to each other for support after the September 11th attacks. Each had a son in the Army, and in November, 2001, they established a support group for military mothers in the East Bay area. Membership has since grown to over 150 mothers, and they are affiliated with the national Blue Star Mothers of America. The East Bay chapter sponsors a variety of activities in addition to the Gold Star event, including providing care packages for troops stationed overseas, and Operation Post Card, connecting local community groups with soldiers abroad through letter writing campaigns. The moms have also taken their good works to veterans in our community through regular visits to the VA hospitals at Livermore, Palo Alto and Martinez.

The Marines' Memorial Association in San Francisco was founded in 1946 as a living memorial to all the Marines who had lost their lives in the Pacific during World War II. Since then, its mission has expanded to include all branches of the United States Armed Services, including members of National Guard and reserves, and the U.S. Merchant Marine. The Memorial is currently led by Major General Michael Myatt, USMC (Ret.). General Myatt has overseen the development of the Memorial as a facility that both honors fallen servicemembers and actively promotes the interests and needs of men and women currently in service.

The third Gold Star Parent gathering will bring together hundreds of parents from all over California for a 2-day event to honor the families of the fallen and allow them to celebrate the lives of their children and mourn their loss. This event allows the families to come together in private and share their experiences with others who are experiencing the same loss. The Marines' Memorial Association provides the facilities and meals for the event at a considerably reduced cost, and additionally lends support to the participants throughout the weekend. The Blue Star Moms contribute an incredible effort to make the Gold Star event successful, including personally reaching out to all the Gold Star families in the state, and underwriting expenses for families who might not otherwise be able to make the trip.

Madam Speaker and colleagues, at this time it is appropriate that we thank the Blue Star Moms and the Marines' Memorial Association for the hard work and dedication they have shown to sponsor the Gold Star parents event. Their efforts have provided an important forum for these families to come together and the event is greatly appreciated by the families who have participated.

## TRIBUTE TO JACK FITZGERALD AND FITZGERALD AUTO MALLS

### HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 6, 2008*

Mr. VAN HOLLEN. Madam Speaker, I rise today to recognize a longtime advocate for child passenger safety, my constituent Jack Fitzgerald, President of Fitzgerald Auto Malls.

As you may know, motor vehicle crashes are the leading cause of death for children ages 2 to 14 and the leading cause of injury-related death for children under age 2. We know that when installed and used correctly, child safety seats and safety belts can prevent injury and save lives. In fact, young children restrained in child safety seats have an 80 percent lower risk of fatal injury than those who are unrestrained.

In order to ensure that child safety seats are properly used and installed, car seat check-up events, like those sponsored by Safe Kids Worldwide, are essential. At these events, child passenger safety technicians teach families how to safely transport their children and help make sure everyone in a vehicle is buckled up correctly on every ride. On average, technicians spend about 30 minutes with each child. These events, most of which are open to the public, are conducted by Safe Kids coalitions in central locations such as automobile dealerships, hospitals, community centers and shopping centers.

Since 1996, Safe Kids Worldwide has partnered with General Motors to help change the way parents and caregivers learn about child passenger safety. More than 13 million people have been reached by the Safe Kids Buckle Up Program and, to date, there have been more than 44,000 events that bring much needed car seat inspection services and education to families across the country.

Safe Kids is well on its way to checking one million child safety seats. Part of this success can be attributed to Jack Fitzgerald of Fitzgerald Auto Malls. In February 1999, Jack teamed up with Safe Kids Montgomery County in my home state of Maryland to hold a car seat check-up event. At that event, Stephen Guarino, who was then 5 years old, was moved into a booster seat for a better fit just one day before the family vehicle was hit by a truck. Mrs. Guarino and the police officers on the scene credit the saving of Stephen's

life in that crash to the services received at the check-up event.

Since that incident, Fitzgerald Auto Malls has hosted hundreds of check-up events. Working with Safe Kids Montgomery County, local government agencies, and police and fire departments, Fitzgerald Auto Malls has inspected more than 35,000 child safety seats. The dealership hosts monthly car seat inspections free of charge for anyone in the community. If the monthly events are not compatible with a family's schedule, that family is encouraged to call the dealership to schedule a private appointment. This service is only possible because Jack Fitzgerald has personally paid for his employees to become nationally certified car seat technicians. In fact, more than 80 Fitzgerald Auto Mall employees have been trained to check a child's car seat for misuse.

I am honored to commend Jack Fitzgerald and the entire Fitzgerald Auto Malls family for their outstanding contributions to and involvement in our community. I applaud them for being a role model for all public/private partnerships and for their steadfast commitment and determination to keeping kids safe on our Nation's roads. I ask my colleagues to join me in honoring Jack Fitzgerald, a remarkable advocate for America's children.

## PERSONAL EXPLANATION

### HON. JOHN R. CARTER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 6, 2008*

Mr. CARTER. Madam Speaker, on January 29, 2008, I was unable to be present for the final rollcall votes.

If present, I would have voted accordingly on the following rollcall votes:

Roll No. 27—"aye."

Roll No. 28—"nay."

## HONORING HARTFORD, KENTUCKY

### HON. ED WHITFIELD

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 6, 2008*

Mr. WHITFIELD. Madam Speaker, I rise in recognition of the city of Hartford, Kentucky, located in the First Congressional District of Kentucky. On February 3, 2008, Hartford will celebrate its bicentennial birthday. This community in western Kentucky is among the oldest towns in the Commonwealth of Kentucky and the third largest city in western Kentucky. It probably has one of the most unique yet welcoming slogans, "Home of 2,000 Happy People and a Few Soreheads."

Hartford was settled before 1790 in an area that was often a scene of bloody strife between American Indians and 18th century pioneers. There is evidence that a settlement was made at the present site of Hartford in 1782 and this was the first fortified settlement in the lower Green River Valley of western Kentucky.

The source of the town's name is uncertain. There is one tradition that a man named Hart ran a ferry there, hence the name Hart's Ford, which later became Hartford. Another tradition found in reminiscences of early times is that the town was so called because animals including deer, the male of which the English forebears called a "Hart" had a regular crossing or "Ford" at the location of Hartford on the banks of Rough Creek.

The town of Hartford was formally established as "400 acres of land heretofore designated and laid out for a town, in the county of Ohio, on Rough creek, on the land of the late Gabriel Madison, inclusive of the out and in lots by an Act of the Legislature of the Commonwealth of Kentucky, enacted February 3, 1808."

Madam Speaker, Hartford has a rich history from its pioneer founding to the battle of brother against brother during the Civil War. Some of Hartford's famous past residents include Virgil Earp, brother of Wyatt Earp of the OK Corral acclaim, and impressionist painter Charles Courtney Curran, whose works hang in the Smithsonian Museum of Modem Art.

Hartford, Kentucky, is a progressive community welcoming those from near and far to visit or make their home in this inviting community. Opportunities from tourism to high tech industry attract visitors and new residents in this community located in the heart of western Kentucky.

Madam Speaker, it is with great pride that I bring to the attention of this House the historical significance and sense of community that the citizens of Hartford, Kentucky, have as they celebrate the 200th anniversary of a great American city.

## HONORING CMW & ASSOCIATES

### HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 6, 2008*

Mr. SHIMKUS. Madam Speaker, I rise today to bring attention to the contribution of a small business in my district to granting foreign workers their certifications necessary to work in this country. CMW & Associates, a female owned and 8(a) company located in Springfield, Illinois, has assisted the Department of Labor in Chicago in assuring that per Secretary Chao's directive, there is no longer a labor certification backlog.

Recently, Secretary Chao commended her staff at the Office of Foreign Worker Certification. "Behind every application is a person or group of people, waiting to come to our country and work in jobs for which no qualified U.S. worker can be found. The Permanent Labor Certification program is really proud about people—their hopes and their dreams of greater opportunities, and reunification with their families." Secretary Chao presented a certificate of recognition to Bill Carlson, Administrator of the Office of Foreign Labor Certification for his leadership role.

I want to recognize the Department of Labor for its exemplary work in expediting the processing of granting foreign workers their certifications necessary to work in this country, both on a permanent and temporary basis. And I want to thank Charlene Turczyn, CEO of CMW & Associates for her role in making sure America is able to obtain the skilled workforce necessary to make U.S. employers successful. As is often the case, small businesses play an integral role in the success of our government's ability to achieve its goals.

## RECOVERY REBATES AND ECONOMIC STIMULUS FOR THE AMERICAN PEOPLE ACT OF 2008

SPEECH OF

### HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 29, 2008*

Mr. UDALL of New Mexico. Madam Speaker, a lot of brilliant economists have spent a lot of time over the last few weeks telling the American people what we already know: our economy needs help. The debate goes on over whether today's economic conditions will become an official recession, but most people aren't interested in official definitions. We want help now.

Fortunately, members of the New Direction Congress, meeting on a bipartisan basis, have developed an economic stimulus package that will get America moving again.

There's a lot to like about the proposed stimulus package.

The package provides support immediately. American families will receive help by June, in time to stop America's economic slide before we find ourselves mired in recession. This timely action is the result of a feeling in Congress that getting things done for the American people is more important than scoring political points.

The package will put money in the hands of working families who need it most. By helping families too poor to pay income tax, this proposal shows both compassion and common sense. We know that poor families are more likely to spend their rebate checks immediately, and that means more money flowing into our economy more rapidly.

And, finally, the package will not purchase short term growth at the expense of long term prosperity. This legislation does what must be done, but, more importantly, it does no more than is necessary. It contains no giveaways to any interest group, no pork barrel spending and no rushed changes in our tax code. The bill provides targeted, temporary stimulus. As a result, it will secure our present without burdening our future with debt.

But the package that we pass today is not perfect.

We have helped millions of families, but too many seniors still need our support. We have provided relief to millions of workers, but those who have seen their jobs disappear still face an uncertain future they did nothing to earn and can do little to change. We have provided temporary relief to millions of taxpayers, but we must renew the clean energy tax credits that give us hope for a stronger national economy and a more sustainable world.

Our work is not over.

We should celebrate today's accomplishment, but we must recognize that it is a first step, not a final one. Let's take the bipartisan spirit that has been kindled in the House and use it to do the work that remains to be done.

## HONORING JOAN MANN

### HON. DEVIN NUNES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 6, 2008*

Mr. NUNES. Madam Speaker, I rise today to pay tribute to the life of a wonderful woman

and friend. Joan was a devoted wife to Earl Mann of 49 years and mother to two daughters, Paula and Laura. For 29 years, she worked for the Woodlake Elementary School as a teacher's aide and was active in the Parent-Teachers Association. She served on the Tulare County Grand Jury, was active in her church and served as the local representative of the Cystic Fibrosis Foundation. She loved to write poetry, sometimes about events or people in her life. The following poem is one of her family's favorites.

I'VE SAILED UPON LIFE'S SEAS

I've walked upon the shores of life
A-kicking up the sands
I've met each eye that chanced my way
And shook each friendly hand.

I've sailed upon the seas
To cross to other places
I've met each smile with smiles to spare
And cherished those dear faces.

The song I've sung along the way
'Tis joyous and carefree
It tells of life, of wondrous times
And speaks of days to be.

And when my days on earth are through
God grant me one last thought
I'd love to do it all again
Remembering what life's taught.

Joan Mann's life demonstrated her love of her family, her community and her country. Mrs. Joan Mann of Woodlake, California, passed away January 24th. She will be greatly missed.

## IN HONOR OF DARRELL L. FANT, DIRECTOR, HIGHLAND PARK DEPARTMENT OF PUBLIC SAFETY

### HON. PETE SESSIONS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 6, 2008*

Mr. SESSIONS. Madam Speaker, it is with great pleasure that I rise today to recognize Darrell L. Fant, Director of the Highland Park Department of Public Safety (HPDPS).

After thirty-two years of dedicated service, Darrell will be retiring from HPDPS on February 29, 2008. The Town of Highland Park has been privileged to have such a devoted public servant working on their behalf to ensure Highland Park stays a safe and family friendly area in the heart of Dallas. He has served in various roles such as Public Safety Officer, Lieutenant, Assistant Shift Commander, and Captain before taking on the leadership role of Director. His colleagues affectionately refer to him as ''Chief'' as he has earned their respect and demonstrated exemplary performance. In addition, he has received numerous commendations, thank you letters, and awards such as the 1984 Firehouse magazine Heroism and Community Service Award.

I know his vision and leadership will be greatly missed and difficult to replace. The legacy he leaves speaks loudly of the impact he has had on Highland Park.

Madam Speaker, I ask my esteemed colleagues to join me in expressing our heartfelt gratitude for his hard work and dedicated service.

## HONORING THE LIFE OF MR. J. RUSSELL COFFEY, A PUBLIC SERVANT AND WORLD WAR I VETERAN

### HON. ROBERT E. LATTA

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 6, 2008*

Mr. LATTA. Madam Speaker, Mr. J. Russell Coffey passed away on December 20, 2007, at the age of 109, and Mr. Coffey was 1 of 3 surviving veterans of World War I. Mr. Coffey was a student at Ohio State University when the United States joined the war in 1917 and Mr. Coffey enlisted in the Army at the age of 20 and was honorably discharged on December 12, 1918, a month after the signing of the armistice.

Mr. Coffey played baseball and was a track sprinter while in college and received both a bachelor's degree and a master's degree from Ohio State University, as well as a doctorate degree in education from New York University. Mr. Coffey continued his interest in sports and teaching by officiating high school sports for many years while he taught junior high and high school students in Phelps, Kentucky, at the former Glenwood Junior High School in Findlay and at the former Findlay College. Mr. Coffey served as an instructor at Bowling Green State University from 1948 through 1969, primarily teaching physical education but also teaching archery, psychology, swimming, and driver's education. Mr. Coffey was the director of the university's graduate studies in health and physical education from 1952 to 1968. Mr. Coffey was an active member of the Bowling Green Rotary Club for more than 50 years, and he was named the ''oldest living Rotarian in the world'' by the club in 2004, and in later years, Mr. Coffey credited physical activity and a healthy diet for his longevity.

The House of Representatives honors the life of Mr. J. Russell Coffey for his dedication to public service as a veteran, teacher, and member of the community.

## CELEBRATING THE LIFE OF CARL A. DIPIETRO

### HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 6, 2008*

Mr. HIGGINS. Madam Speaker, I rise today to honor the life and work of an outstanding Western New Yorker. On November 19, 2007 a beloved husband and loving father entered into rest. Carl DiPietro lived a very full life filled with love of family and friends. Carl leaves behind a long lasting legacy that stretches from his days in the Navy to the dedication and loyalty he demonstrated each and everyday with his family, at his business or throughout the community.

Mr. DiPietro was a proud business owner of Sparkle Cleaners, a dry cleaning business located in Amherst, NY. It was said that Mr. DiPietro treated patrons and employees alike as family. A hardworking man, Carl was skilled in his craft and was characterized by his children as an ''All American Dad'' whose love knew no end. A man who cultivated his many interests, Carl loved music and enjoyed playing the guitar; he was an avid photographer and restored antiques. Amidst his varied interests and passion to explore them, his family remained the most important part of his life.

Carl DiPietro was a good and decent man and will always be remembered for his friendly demeanor, his terrific sense of humor and his care free spirit. His strength, courage, strong religious faith accompanied by a will to survive kept him going through the difficult times. When someone you love passes on, pain remains for those left behind. May Carl's wife Elaine, his daughters Linda, Judy, and Donna, his sons Carl and David, grandchildren, extended family and friends continue to live out Carl's memory with love, purpose and fulfillment in their own lives.

Madam Speaker, I am thankful that you have allowed me the opportunity to honor the life of Carl DiPietro and remember the many contributions he made throughout the Western New York community. I ask my colleagues to join me in honoring the life and memory of Carl DiPietro here today.

## HONORING THE LIFE AND ACHIEVEMENTS OF MR. WILLIAM C. BLACK

### HON. JOE SESTAK

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 6, 2008*

Mr. SESTAK. Madam Speaker, I rise to honor the memory of a great American, Mr. William C. Black, a loving husband, father and grandfather, successful entrepreneur, generous philanthropist, and courageous veteran. Mr. Black epitomized all that is good about our nation and indeed the world. On February 9th 2008, an exceptional group of family and friends with gather to remember and thank a man who dedicated his skills, energy, and love to others. In the course of a remarkable life that began in Bayonne, NJ on June 7th 1930 and continued for sixty-six years thereafter, Mr. Black's work ethic, intelligence, leadership, and basic decency made him a pillar of his community and a source of hope for multiple generations of patients and their families at Jersey Shore Medical Center.

Following graduation from Fordham University in 1952, Mr. Black immediately went to the defense of our nation in the United States Marine Corps. His seven years of service as an aviator in the USMC included duty in Korea and Japan, and a meteoric rise to the rank of Lieutenant Colonel. From the Marine Corps, Mr. Black carried with him a fighting spirit and sense of purpose that helped him to become President of the New Jersey Zinc Company, our nation's pioneer zinc producer and originator of all zinc alloys that revolutionized the modern die-casting industry.

However, it was after retiring from New Jersey Zinc that Mr. Black's life reached its zenith. From his tireless work to improve the facilities of the Jersey Shore Medical Center, the ''Mary V. Black Pavilion'' was christened and thousands of trauma patients owe their health and lives to that state-of-the-art facility. This month at the 2008 Jersey Shore Sweetheart Cancer Ball, Mr. Black and his family will be recognized for their work to cure that devastating illness. I will never forget the moment my four year old daughter was diagnosed with

a malignant brain tumor. Though we have never met, I know that there is a direct connection between my daughter's health today and the life of greatness lived by William C. Black. I personally thank him for his work and know his legacy will forever live in the gratitude of untold numbers of other cancer survivors, their families and friends.

Madam Speaker, I ask that this chamber pause to remember William C. Black, and to thank his wonderful wife Barbara, his accomplished sons, William Jr., Michael Paul, and Christopher for their love and dedication to one another, Jersey Shore Medical Center, and our blessed country.

## COMMEMORATING CARTER BLOODCARE

### HON. KENNY MARCHANT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 6, 2008*

Mr. MARCHANT. Madam Speaker, I rise today to commemorate Carter BloodCare on pioneering the processes of the blood care/capture industry operations.

Carter BloodCare (CBC) worked closely with the Texas Manufacturing Assistance Center and successfully implemented a methodology that has significantly achieved process improvements, increased productivity and doubled capacity while reducing floor space. These new changes were the result of CBC collaborating with Texas Manufacturing Assistance Center (an initiative of the U.S. Department of Commerce NIST Manufacturing Extension Partnership program) by participating in their training course: Fundamentals of Lean Enterprise. The Lean program was an ''outside the box'' way of thinking in the blood collection industry but it has proven to be an overwhelming success for CBC. This system allowed CBC to identify and correct problem areas, reduce needless work and create a more productive work flow. Their adoption of the Lean Philosophy approach will serve them well for years to come.

I commend Carter BloodCare for transforming the processes of the blood care/capture industry and providing lifesaving units of blood to the people of Texas efficiently and expediently. It is an honor to represent Carter BloodCare in the 24th District of Texas.

## HAROLD MILLER RECEIVES COMMANDER'S CHOICE AWARD

### HON. HARRY E. MITCHELL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 6, 2008*

Mr. MITCHELL. Madam Speaker, I rise today to congratulate Mr. Harold Miller, who has been selected to receive the Defense Logistics Agency's (DLA) Business Alliance Award for the Commander's Choice Category. This award program recognizes businesses and individuals who have made outstanding efforts in partnering with DLA to provide supplies and services to America's war-fighters.

The Commander's Choice Award is given to a person whose dedication and commitment to the DLA mission affects the quality of life for U.S. women and men in uniform. Mr. Miller is the Aerospace Global Pricing Compliance Leader for Honeywell Aerospace, located in my hometown of Tempe, Arizona. He has consistently led Honeywell from the inside to integrate DLA's mission requirements into corporate culture and daily work processes. Through his tireless work, Mr. Miller has allowed DLA to provide superior customer support on Honeywell parts. He has an unsurpassed willingness to take risks and a strong commitment to making things work. Both of these characteristics have enabled DLA to navigate around potential crisis situations.

Mr. Miller should be proud of his accomplishments. Again, I say congratulations on the award and thank you for a job well done.

## THE GLOBAL PEDIATRIC HIV/AIDS PREVENTION AND TREATMENT ACT OF 2008

### HON. JIM McDERMOTT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 6, 2008*

Mr. McDERMOTT. Madam Speaker, I come to the floor today to introduce the Global Pediatric HIV/AIDS Prevention and Treatment Act. I am pleased to be joined by Congresswoman KAY GRANGER. This legislation will strengthen our commitment to preventing the new transmission of HIV infections in children. The legislation builds on the successful PEPFAR programs aimed at reducing mother to child transmission of HIV and AIDS.

The legislation provides a comprehensive, five year strategy to prevent new HIV infections in children and ensure that the treatment of children infected with HIV keeps pace with their infection rate. We can achieve the birth of an HIV-free generation.

Reducing mother to child transmission and providing treatment to HIV positive children was one of the goals of the original PEPFAR legislation. The PMTCT or the Prevention of Mother to Child Transmission services were a critically important prevention effort included in the PEPFAR legislation. As we begin the process to reauthorize these programs we must use this opportunity to strengthen the original goals and mission of PEPFAR.

Every day more than 1,000 children around the world are infected with HIV; approximately 90 percent of those infections occur in Africa. With no medical intervention, HIV positive mothers have a 25 percent to 30 percent chance of passing the virus on to their babies during pregnancy and childbirth. Yet just one dose of an ARV drug given to the mother at the onset of labor and once to the baby during the first three hours of life reduces transmission of HIV by almost 50 percent. We know what works and we now how to reduce HIV babies. We just need to provide the commitment and resources to achieving this goal.

Children account for almost 16 percent of all new HIV infections but represent only 9 percent of those receiving treatment under PEPFAR. Without proper care and treatment, half of all newly infected children will die before their 2nd birthday and 75 percent will not see their 5th birthday.

The bill establishes a target requiring that by 2013 15 percent of those receiving treatment under PEPFAR be children. This target simply keeps pace with the rate of infection.

In addition, it establishes a 5 year target for Preventing Mother to Child Transmission efforts. By 2013, 80 percent of pregnant women receive HIV counseling and testing, with all of HIV positive mothers receiving ARV medication.

The legislation also requires integration of prevention, care and treatment with PMTCT services in order to improve outcomes for HIV affected women and families and to improve the continuity of care.

Prevention is our greatest tool in fighting this pandemic. We have no vaccine or cure. But we can work to achieve an HIV free generation.

I want to thank the work of the Elizabeth Glaser Foundation who have worked to further the cause of preventing mother to child transmission. The Foundation is also a leader in the global effort to provide care and treatment to millions of HIV positive children. The Foundation's recommendations for strengthening PEPFAR are the basis for this legislation. I also want to thank Senators DODD and SMITH who have introduced the Senate version of this legislation. Finally, I want to thank Congresswoman GRANGER for her willingness to work with me on this legislation and for her continued commitment to addressing the global pediatric HIV/AIDS crisis.

I know that my colleagues on the Foreign Relations Committee are working to develop a strong PEPFAR reauthorization and I look forward to working with them to ensure that the final bill includes strong PMTCT provisions.

## HONORING THE 180TH ANNIVERSARY OF THE FOUNDING OF McKENDREE UNIVERSITY

### HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 6, 2008*

Mr. COSTELLO. Madam Speaker, I rise today to ask my colleagues to join me in honoring the 180th Anniversary of the founding of McKendree University, the oldest college in Illinois.

McKendree University was founded in 1828, by Methodist pioneers in Lebanon, Illinois. First named, ''Lebanon Seminary.'' the name was changed in 1830 in honor of William McKendree, the first American-born bishop of the Methodist Church. McKendree University is not only the oldest college in Illinois, but it is also the oldest college in the United States with continuous ties to the United Methodist Church.

While McKendree University is justifiably proud of its rich history and tradition, it continues to grow and modernize in order to attract the quality of students and faculty needed to maintain its excellent academic standing. This continuous evolution was made evident with the recent name change from McKendree College to McKendree University in 2007. This name change reflects the broad range of academic opportunities available at McKendree, including the introduction, beginning in 2004, of several graduate programs. These graduate programs—including education, professional counseling, business administration and nursing—have become so popular that their enrollment now accounts for one quarter of the entire student body.

McKendree has continued to evolve physically as well as academically. The university now includes two campuses in Kentucky as well as the main campus in Lebanon, Illinois. It also hosts off-campus offerings at nearby Scott Air Force Base, in addition to other locations in Illinois and Kentucky. In 2006, McKendree opened the new Hettenhausen Center for the Arts which has rapidly developed into one of the premier performing arts centers in the region.

As McKendree has continued to expand and evolve, it has earned more wide-spread recognition of the excellent academic reputation it has long enjoyed locally. Recent awards and rankings include being ranked among the top 14 percent of ''Comprehensive Colleges—Bachelor's'' by U.S. News & World Report's Best Colleges 2007 and U.S. News & World Report's ''Great Schools, Great Prices'' ranking.

McKendree University has come a long way from its humble beginnings in 1828, with 72 students in two rented sheds. It now boasts a dynamic, multi-state campus with a full range of extra-curricular offerings to complement its excellent academic programs. Throughout its impressive evolution, however. McKendree University has remained true to its roots. Students still come first at McKendree. The focus of the entire McKendree community on enabling each student to fulfill his or her potential continues to mark McKendree University as ''Illinois'' First and Finest.''

Madam Speaker, I am proud to say that my wife, Dr. Georgia Costello, received her undergraduate degree from McKendree and is a member of the Board of Trustees of the University.

Madam Speaker, I ask my colleagues to join me in congratulating the Board of Trustees, administration, faculty and students of McKendree University on the occasion of their 180th Anniversary.

## RECOGNIZING INTERNATIONAL NETWORKING WEEK

### HON. MARK STEVEN KIRK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 6, 2008*

Mr. KIRK. Madam Speaker, I rise today to recognize the importance of International Networking Week from February 4–8, 2008, and the prominent role my constituents play in preserving our competitiveness in the global economy.

As the co-chair of the U.S.-China Working group and a member of the State, Foreign Operations and Related Programs Appropriations Subcommittee, I know first-hand the importance that international relationships play in both diplomacy and in business.

Of special importance are organizations that create bridges between people for the mutual benefit of their members. As technology continues to bring us closer together, the relationships we forge will be more crucial than ever for companies seeking to grow their businesses.

Whether it is one of the many multinational companies in the 10th Congressional District or a locally-owned small business, networking will continue to play a vital role in the growth of the U.S. economy. From manufacturing to distribution to the point-of-sale, we are stronger for having people throughout the world work together to expand their opportunities.

## PRESIDENT'S FY2009 BUDGET REQUEST

### HON. JAMES R. LANGEVIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 6, 2008*

Mr. LANGEVIN. Madam Speaker, I rise today to express my deep concern about the budget request that President Bush transmitted to Congress earlier this week. By cutting programs important to working families and ignoring the significant economic downturn our Nation is facing, the administration has yet again demonstrated that its priorities are not those of the American people.

Our Nation is facing the real threat of a recession, and our government should be doing everything in its power to get our economy moving and to protect the American people from financial hardship. While the President has said he wants to work with Congress on an economic stimulus package, his budget request contains a number of devastating cuts to important programs that will make it even harder for our citizens to make ends meet.

Despite widespread recognition that fixing the U.S. economy will require addressing our weak housing market, the President's proposal only adds to the uncertainty that families are facing. This budget would slash funding for public housing and rental assistance programs, eliminating critical aid for lower income families, the elderly and minorities, many of whom may be facing foreclosure as a result of the subprime mortgage crisis. In Rhode Island, 400 families are at risk of losing their homes under the President's cuts to Section 8 vouchers. At the same time, he proposes to slash the Community Development Block Grant, CDBG, program, which provides vital funding for economic and community development in our State's cities and counties.

A real economic plan should also include an investment in education and job training programs that will promote new employment and ensure that our workforce can adapt to the jobs of the future. Unfortunately, those programs are not priorities in the President's budget, and even proposed funding for No Child Left Behind, a program that the President touts as one of his biggest accomplishments, does not keep pace with the rate of inflation. If this budget is enacted, Rhode Island would see $1.5 million less for after-school programs and a cut of almost $6 million for career and technical education. Even with layoffs happening all across our State, President Bush wants to cut adult employment and training services, which would decrease Rhode Island's One-Stop Career System by half a million dollars.

I am deeply disappointed that the President's budget does not even begin to fully fund special education programs under the Individuals with Disabilities Education Act. Furthermore, instead of fully funding our children's public schools, President Bush has turned back to the idea of school vouchers, renaming them Pell Grants for Kids. Vouchers will not solve our country's education woes, and naming them after Rhode Island's esteemed Senator Pell, who championed public education, is grossly misleading and dishonors the legacy of a great Senator.

The President's budget also fails to make higher education affordable for students with economic challenges. Rhode Island, where college tuition has risen 45 percent in 4 years, would see a $7 million decrease in educational grants for college students. This budget also raises the funding level of Pell grants only by slashing funding for math and science courses that prepare students for technical programs after high school. To maintain our economic advantage in the coming years, our Nation must invest more in science, technology, engineering, and mathematics education. Cutting these programs is shortsighted and endangers our international competitiveness.

At a time when so many families are having difficulty paving their bills, this budget also shreds the safety net programs that help the poorest Americans. I am extremely disappointed that the President seeks to cut $570 million from the Low Income Home Energy Assistance Program. Despite record heating oil prices, the President wants to slash this program by 22 percent, a cut that would harm our elderly. Ironically, the budget will cause the heating costs of the poor to rise by eliminating the Weatherization Assistance Program. A Federal program that helps people actually reduce their energy consumption. These programs are vital to places like Rhode Island where families are struggling with astronomical heating costs.

The budget also endangers health care programs for our Nation's poor and elderly by placing critical domestic health care programs on the chopping block. The President has proposed nearly $200 billion in cuts to Medicare and Medicaid over the next 5 years. Unfortunately, he aims to achieve these cuts by reducing reimbursements to health care providers and charging Medicare beneficiaries higher premiums for prescription drug coverage and doctors' services. This could not come at a worse time for the 316,000 Rhode Island citizens that receive care under these vital programs and are seeing the costs of goods rise and their purchasing power fall. Furthermore, the health care slated to receive additional reimbursement cuts under this proposal continue to struggle to properly treat the Medicare population. While I agree that we need to address the long-term solvency of Medicare, any reforms should be implemented in a manner that is responsive to the needs of beneficiaries and providers alike.

Also contained within the President's budget is a suggested increase of $20 billion over 5 years for the State Children's Health Insurance Program, SCHIP. This amount falls drastically short of the bipartisan SCHIP bill passed by Congress in 2007 that would have expanded coverage for millions of children. Unfortunately, the President vetoed that legislation and has instead presented us with a proposal that might well be insufficient to cover current SCHIP participants, let alone cover children who are currently eligible but not yet enrolled in the program. As a longtime supporter of SCHIP, I cannot stress how important this program is to our children, expectant mothers, and parents alike. It is my hope that we will be able to work in a bipartisan manner to ensure that this program receives a proper reauthorization.

Federal health care programs are vital not only to our Nation's children, seniors, and disabled, but also to the brave men and women who served our country. While the President's budget includes an increase for VA funding. I highly doubt it will keep pace with the health care demands of our returning veterans. I am also dismayed by his cut of almost $40 million to medical and prosthetic research, programs that have helped our wounded veterans return to a normal life. Once again, the President has placed the burden of health care cost increases on veterans themselves by proposing to increase co-payments and introduce enrollment fees for VA medical care. Congress has opposed those efforts in the past, and we will continue to do so.

Finally, as a member of the Homeland Security Committee, I am concerned about the impacts of the President's budget on our Nation's capacity for response, resiliency, and recovery in the wake of a national catastrophe. The budget calls for an unprecedented 79 percent cut to the State Homeland Security Grant Program, which awarded $34.8 million to Rhode Island from 2004 to 2007. The budget would also eliminate the Staffing for Adequate Fire and Emergency Response, SAFER, Grant program and would slash funding for the Assistance to Firefighters Grant program, despite clear evidence that more resources are needed to adequately staff and equip fire departments. Local law enforcement would also suffer under the President's budget, which would cut funding to the Community Oriented Policing Services, COPS, program and to Justice Assistance Grants, JAGS, which have reduced crime in communities nationwide. Our State and local law enforcement must have the resources they need to be effective, and I will fight to block these proposed cuts.

It is obvious that the President's budget does not reflect America's priorities. So, we must ask, what are the President's priorities? While he recommends raising health care costs for veterans, the President wants $70 billion more to continue the war in Iraq, though Defense Secretary Gates stated today that that number could climb to $170 billion. While he wants Congress to permanently extend his tax cuts for the wealthiest Americans, his budget does not contain a long-term fix for the Alternative Minimum Tax, which if left unaddressed could mean a significant tax increase on our middle class. While he slashes programs for our most vulnerable citizens, his refusal to follow fiscally responsible budgeting practices would mean more deficits in the coming years, burdening future generations with crushing interest on the national debt. These priorities are wrong for America. I am confident that Congress will develop a more humane and careful roadmap for the coming year, and I look forward to working with the Democratic leadership toward that goal.

## INTRODUCTION OF COLORADO FOREST INSECT EMERGENCY RESPONSE ACT

### HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 6, 2008*

Mr. UDALL of Colorado. Madam Speaker, today I am introducing an additional bill to address the danger to Colorado's communities, water supplies, and infrastructure from the increasing risk of very severe wildfires on our forested lands.

I have put a priority on reducing those risks since I was elected to Congress. In 2000, with our then-colleague, Representative Hefley, I introduced legislation to facilitate reducing the buildup of fuel in the parts of Colorado that the Forest Service, working with State and local partners, identified at greatest risk of fire—the so-called ''red zones.''

Concepts from that legislation were included in the National Fire Plan developed by the Clinton Administration and were also incorporated into the Healthy Forests Restoration Act of 2003. As a Member of the Resources Committee, I had worked to develop the version of that legislation that the committee approved in 2002, and while I could not support the different version initially passed by the House in 2003, I voted for the revised version developed in conference with the Senate later that year—the version that President Bush signed into law.

Since then welcome progress has been made—in Colorado, at least—in developing community wildfire protection plans and focusing fuel-reduction projects in the priority ''red zone'' areas, two important aspects of the new law. But at the same time nature has continued to add to the buildup of fuel in the form of both new growth and dead and dying mature trees.

In recognition of the serious nature of the problem, the entire Colorado delegation—both here in the House and in the Senate, too—worked together to reach consensus on a broad-scale legislative response. The result was legislation—H.R. 3072 and S. 1797, the Colorado Forest Management Improvement Act of 2007—which I introduced last year in the House with the cosponsorship of the entire Colorado delegation and which Senators SALAZAR and ALLARD introduced in the Senate. Together with two bills I introduced last week—H.R. 5216, the Wildfire Risk Reduction and Renewable Biomass Utilization Act and H.R. 5218, the Fire Safe Community Act—the bill I am introducing today is designed to complement the Colorado Forest Management Act to respond to the increasingly widespread extent to which our State's forests are being altered by infestations of bark beetles and other insects.

These insects help to balance tree densities and set the stage for fires and thereby the generation of new tree growth. And when forests are healthy and there are adequate supplies of water, their effects are relatively low-scale and isolated. But under the right conditions—such as drought, unusually warm winters, or when there are dense stands of even-aged trees—the insects can cause large-scale tree mortality, turning whole mountainsides and valleys rust red. And that is happening now in many parts of Colorado, as was made unmistakably clear recently when Federal and State foresters reported that the beetle infestation first detected in 1996 grew by a half-million acres last year, bringing the total number of acres attacked by bark beetles to 1.5 million, and has spread further into Front Range counties east of the Continental Divide.

My goal in introducing legislation dealing with this issue is not to eradicate insects in our forests—nor should it be, because insects are a natural part of forest ecosystems. Instead, I seek to make it possible for there to be more rapid responses to the insect epidemic in those areas where such responses are needed in order to protect communities from increased wildfire dangers.

The bill I am introducing today would add a new section to the Healthy Forests Act. which would apply only to Colorado, to specifically address insect epidemics. It would authorize the Forest Service or Interior Department to identify as ''insect emergency areas'' Federal lands that have already been slated for fuel-reduction work in community wildfire protection plans and that have so many insect-killed trees that there is an urgent need for work to reduce the fire-related risks to human life and property or municipal water supply.

The Forest Service or Interior Department could do this on its own initiative or in response to a request from a State agency or a Colorado political subdivision (such as a county, city, or other local government). After receipt of such a request, a decision must be made within 90 days.

In any such emergency areas, the Forest Service or Interior Department would be authorized to remove dead or dying trees on an expedited basis, including use of a ''categorical exclusion'' from normal review under the National Environmental Policy Act, NEPA. Although categorical exclusions from NEPA are controversial, I believe they are appropriate for these emergency situations.

For the information of our colleagues, here is a more detailed outline of the bill:

COLORADO FOREST INSECT EMERGENCY RESPONSE ACT

This bill, based on provisions in the Udall-Salazar bill (H.R. 4875) of 2006, will add a new section to the Healthy Forests Restoration Act to specifically address the forest insect epidemic in Colorado.

It would authorize the Forest Service or the Interior Department, as relevant, to identify as ''insect emergency areas'' Federal lands in Colorado that have already been slated for fuel-reduction work in community wildfire protection plans and that have so many insect-killed trees that there is an urgent need for work to reduce the fire-related risks to human life and property or municipal water supplies.

The Forest Service or Interior Department could make such a determination on its own initiative or in response to a request from any Colorado State agency or any Colorado political subdivision (such as a county, city, or other local government). The relevant Federal agency must respond to such a request by making a decision within 90 days.

The bill would reduce the extent to which analysis under the National Environmental Policy Act of 1969, NEPA, must be done prior to implementing fuel-reduction—i.e., thinning or tree-removal projects in insect-emergency areas. This would be done in two ways:

(1) by allowing the abbreviated NEPA reviews to be used for projects on any lands covered by a wildfire protection plan for a Colorado community in or adjacent to an insect-emergency area (the Act now allows this only for projects on lands within 1.5 miles of a community's boundaries); and

(2) by allowing the Forest Service or Interior Department to forego NEPA analysis entirely through use of a ''categorical exclusion'' with regard to a project involving only lands that are both within an insect-emergency area and covered by a community wildfire protection plan.

Before making a decision to exempt a project from NEPA review, the Forest Service or Interior Department would have to consult with relevant Federal and State agencies, seek comments from the public, and follow existing procedures for such decisions.

## HONORING THE COCKE COUNTY NAVAL JUNIOR RESERVE OFFICER TRAINING CORPS

### HON. DAVID DAVIS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 6, 2008*

Mr. DAVID DAVIS of Tennessee. Madam Speaker, I rise today to congratulate the Cocke County Naval Junior Reserve Officers Training Corps (NJROTC) program for their achievements this past year. In 2007, the Cocke County NJROTC program was ranked number one in the State of Tennessee and number six in the United States in competitions including academics, athletics, and military drill.

In addition to achieving such great accolades in competitions, the Cocke County NJROTC planned, coordinated, and completed 2,153 community service hours in the Cocke County, Hamblen County and Knox County areas during the 2006 to 2007 school year.

The Cocke County NJROTC is a citizen leadership program designed to develop informed and responsible young men and women who embody honor, self-reliance, self-discipline, and respect to authority in a democratic society.

This achievement is a true honor to all the young men and women involved in the Cocke County NJROTC program. The rankings, each respectively, show the dedication and commitment to service and our Nation.

It is exciting for me to see the young men and women of Cocke County NJROTC establishing such high standards at a young age and it bestows great promise for the State of Tennessee and our Nation alike.

Madam Speaker, I ask that the House join me this evening honoring the Cocke County NJROTC program for their commitment to excellence, dedication, and promise as future leaders of America.

## HONORING NANCY HILTON FOR ENCOURAGING OUR NATION'S MILITARY

### HON. JEB HENSARLING

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 6, 2008*

Mr. HENSARLING. Madam Speaker, today I rise to recognize a talented and patriotic citizen, Nancy Hilton, for her efforts to honor and encourage our Nation's military.

Overwhelmed with the sacrifices made by our men and women in uniform. Ms. Hilton sought a unique way in which she could personally honor the military. On a road trip to the East Coast, Ms. Hilton decided to hand-stitch an American flag and wasted no time in doing so. On the road with no pattern, she purchased a store-made American flag and created a self-made pattern. Three years later, after investing 214.5 hours and over 20 miles of yarn, Ms. Hilton proudly displays the 24-by-13 foot, 43 pound flag at her home in Athens, Texas.

In between stitching stripes, Ms. Hilton developed her crocheting ministry, The Love Stitchers. The Love Stitchers dedicate their time and efforts to making lap afghans for people in nursing homes and hospice centers. They also make special red, white, and blue starred and striped blankets for veterans. With 100 members in three cities, The Love Stitchers have made over 1,500 afghans.

Madam Speaker, on behalf of the Fifth District of Texas, I am honored to recognize Ms. Nancy Hilton not only for her talent, but for her thoughtfulness and devotion in caring for our military, veterans, and seniors.

## RECOGNIZING THE LATINA STYLE 50 AWARDS

### HON. JOE BACA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 6, 2008*

Mr. BACA. Madam Speaker, in 1998, a unique program was launched with the purpose of creating awareness in corporate America and its connection to the growing world of professional Hispanic women. LATINA Style Magazine serves as a reflection of this increasing diversity. Because of the magazine's dedication to informing its readers on career opportunities in corporate America, it was the catalyst for creating a prestigious analysis of Hispanic women's presence there. It serves to show the continued efforts for promoting diversity and providing career advancement for these Latina professionals.

Today we celebrate the LATINA Style 50 Awards, a program which highlights the 50 best companies for Latinas to work for in our country. LATINA Style recruits up to 800 Fortune 1000 companies to participate in a survey regarding their role in increasing the number of Latina professionals in America's workplace. The reports highlight each company's leadership programs, employee benefits and Latina representation in senior positions. This past August, the tenth publication of these studies went to print. Today I stand here honoring this 10th year anniversary of a highly notable and beneficial publication.

Because of the dream of its late founder, Anna Maria Arias, the LATINA Style 50 provides today to Latina professionals a resource when looking for information on mentoring programs, education opportunities, employee benefits. women's issues, and more in corporate America. With these resources we can continue to shed light and improve the status of Hispanic professionals in America's growing corporate world. LATINA Style's passion helps more Hispanic women become aware of companies that are providing nurturing environments, where they can continue to climb the corporate ladder. I commend LATINA Style on their commitment to open more doors to Hispanic women, and for their continued inspiration to all Latinas and Latinos in the United States who seek to serve the vital roles in America's social, political, and economic communities.

## HONORING BAHAI COMMUNITY OF SAN JOSE

### HON. ZOE LOFGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 6, 2008*

Ms. ZOE LOFGREN of California. Madam Speaker, I rise to acknowledge and honor Bahá'i Community of San Jose's 50th anniversary. The Bahá'i Faith, in just 150 years, has become an independent, second most widespread world religion whose five million followers are made up of more than 2,100 diverse ethnic, racial and tribal groups. The organization has more than 157,000 members in the United States.

The Bahá'i Faith includes teachings that promote the principle of equal rights for men and women, advocate compulsory education, abolish extremes of poverty and wealth, honor work performed in the spirit of service to the rank of worship, recommend the adoption of an auxiliary international language, and provide the necessary agencies for the establishment and safeguarding of a permanent and universal peace. The Bahá'i Communities of San Jose and of the United States operate more than one thousand grassroots social and economic development projects throughout the world.

This faith-based organization not only provides spiritual guidance for their members, but they also provide charitable work to the community at large. Some of their local civic activities include the membership in the Martin Luther King, Jr. Association, membership in the Network for a Hate Free Community, Juneteenth Festival, Second Harvest Food Collections, highway cleanup, and 22 years sponsorship of a service awards banquet recognizing notable individuals and organizations for their community service based on Bahá'i principles. Bahá'i Community of San Jose provides these valuable services at no cost to the Bahá'i Communities of the South Bay and the Santa Clara Valley Community at large.

In their 50 years of dedication and hard work. Bahá'i Community of San Jose has assisted thousands of people. Bahá'i Community of San Jose serves people of all beliefs, cultures, ethnicities and ages and serves a diverse population from various ethnic backgrounds.

It is indeed an honor and a privilege to have a warm, welcoming, and nurturing organization in my district that appreciates and honors the diversity that makes America, and specifically San Jose, California a most desirable place to live, work and raise a family.

## FREEDOM FOR JUAN PEDROSO ESQUIVEL

### HON. LINCOLN DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 6, 2008*

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, I rise to bring to the attention of our colleagues the unjustified arrest of yet another dissident, Juan Pedroso Esquivel, by the totalitarian dictatorship in Cuba.

Recently dictatorship thugs working to stifle free speech raided Mr. Pedroso's home after

someone in the city of Colón posted stickers declaring ''CAMBIO,'' meaning change in Spanish. The regime charged Mr. Pedroso on January 7 with the crime of possessing ''subversive propaganda.'' It is not known yet how long a sentence Mr. Pedroso will face for this so-called crime. This may be because the tyrannical regime is attempting to scare other peaceful political dissenters by making an example with the unjust arrest of Mr. Pedroso.

Mr. Pedroso is a member of the Pedro Luis Boitel Democratic Party. He has a long history of nonviolent political dissent and has previously faced time inside the repressive gulags of the Cuban tyranny.

Even outside prison the regime's thugs have repeatedly harassed Mr. Pedroso. According to reports, in September 1998, Mr. Pedroso was threatened by the despotic chief of police in San José de los Ramos, Matanzas province. The policeman publicly said that he had orders to shoot Mr. Pedroso in the head and then a few days later said he had his gun ready.

A few months later Mr. Pedroso was summoned to the headquarters of the Sistema Unico de Vigilancia y Protección, SUVP, Unified Vigilance and Protection System, where he was told that he needed to stop his human rights work and ''get a job'' or he would be charged with the crime of ''dangerousness.'' However, Mr. Pedroso was unable to find employment because of his past peaceful political activities. One week later, he was arrested and ''convicted'' of ''dangerousness'' and received a two-year sentence in the gulag.

My colleagues, it is unconscionable that someone can be sent to a gulag just because a dictatorship suspected he was posting stickers with the word ''CAMBIO.'' Why are they so afraid of the word ''change''? What has them so scared of such a simple and peaceful word? What they are really scared of is anyone in any way challenging their tenuous grip on the Cuban people and putting a spotlight on their condemnable, abhorrent treatment of the Cuban people.

Madam Speaker, the arrest of Mr. Pedroso is yet another example of the totalitarian dictatorship's total disregard for human rights in that enslaved island. My colleagues, we must demand the immediate and unconditional release of Juan Pedroso Esquivel and every political prisoner in totalitarian Cuba.

## HONORING SCOTTY LIPPERT, JR.

### HON. GEOFF DAVIS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 6, 2008*

Mr. DAVIS of Kentucky. Madam Speaker, I rise today to honor a dedicated community servant and a national leader in his profession.

Scotty Lippert, Jr., is a standout in his field. For twenty-one years. he has worked for Clopay Plastics Products, a global leader in specialty films, extrusion coatings, custom-printing and engineered laminations. As a planned maintenance specialist and lubrication systems leader, he is one of only 745 people worldwide to meet the education, training, and examination standards required to achieve Machinery Lubrication Technician Certification.

Scotty Lippert helped design and construct a lube room that was judged best in the world by a panel of national and international lubrication engineers. He is beyond doubt an expert in his field, authoring training books on lube-room construction and articles on lubrication systems and lending his services to a number of Fortune 500 companies. Just as importantly, Scotty Lippert's best practices in the field of lubrication, inspired, designed and implemented at Clopay, are now being used by the U.S. Navy.

On November 2, 2007, Scotty Lippert was chosen as the 2007 Kentucky Manufacturing Employee of the Year. He was chosen by a panel of judges on account of his innovation, teamwork. community service, and leadership credentials.

In addition to his dedication to his company and profession, Scotty Lippert serves his community as a magistrate in Bracken County.

Scotty Lippert deserves praise for his contributions to his vocation and community, and I know the citizens of Bracken County and the Fourth Congressional District join me in recognizing his many achievements and contributions to our region.

## INTRODUCTION OF EQUITABLE MINERAL LEASE REVENUE SHARING RESTORATION ACT

### HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 6, 2008*

Mr. UDALL of Colorado. Madam Speaker, with my Colorado colleague, Representative JOHN SALAZAR. I am today introducing a bill to restore the equitable sharing between the Federal Government and the States of revenues from federal onshore mineral leases.

Leasing of federally-owned onshore minerals is governed by the Mineral Leasing Act. which provides that the royalties paid by the producers are split equally between the Federal Government and the government of the State where a lease is located.

This is very important for Colorado, which in recent years has received between $30 million and $60 million from this source. And many other States—especially in the West—have benefited as well. In fact, the most recent report by the Interior Department indicates that 34 States received a total of $1.9 billion pursuant to this part of the Mineral Leasing Act in 2007.

Regrettably, the just-enacted appropriations bill for the Interior Department includes a provision that in effect amends this part of the Mineral Leasing Act by reducing the share of royalty funds going to affected States by 2 percent—so that Colorado and other States will get only 48 percent (instead of half) of the royalties from Federal leases within state boundaries.

My understanding is that this change was prompted—at least in part—as a way to offset some of the costs to the Interior Department of administering the leasing program and the distribution of royalty revenues.

But I do not think Such a drastic change in the law should he accomplished by inclusion of such a provision in an appropriations bill, especially when it will have such a serious adverse effect on Colorado and our communities—especially those on the Western Slope—that are experiencing the impacts of intensive development of Federally-owned natural gas and other energy resources.

Accordingly, our bill would reverse this recently-enacted change and so restore the equitable division of royalty revenues provided by the Mineral Leasing Act.

## SUNSET MEMORIAL

### HON. TRENT FRANKS

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 6, 2008*

Mr. FRANKS of Arizona. Madam Speaker, it is February 6, 2008, in the land of the free and the home of the brave and before the sun set today in America, almost 4,000 more defenseless unborn children were killed by abortion on demand—just today. That is more than the number of innocent American lives that we lost on September 11, only it happens every day.

It has now been exactly 12,798 days since the tragic judicial fiat called Roe v. Wade was handed down. Since then, the very foundation of this Nation has been stained by the blood of almost 50 million children. And all of them had at least four things in common.

They were each just little babies who had done nothing wrong to anyone. And each one of them died a nameless and lonely death. And each of their mothers, whether she realizes it immediately or not, will never be the same. And all the gifts that these children might have brought to humanity are now lost forever.

Madam Speaker, those noble heroes lying in frozen silence out in Arlington National Cemetery did not die so America could shred her own Constitution, as well as her own children, by the millions. It seems that we are never quite so eloquent as when we condemn the genocidal crimes of past generations, those who allowed their courts to strip the black man and the Jew of their constitutional personhood, and then proceeded to murderously desecrate millions of these, God's own children.

Yet even in the full glare of such tragedy, this generation clings to blindness and invincible ignorance while history repeats itself and our own genocide mercilessly annihilates the most helpless of all victims to date, those yet unborn.

Perhaps it is important for those of us in this Chamber to remind ourselves again of why we are really all here.

Thomas Jefferson said, ''The care of human life and its happiness and not its destruction is the chief and only object of good government.''

Madam Speaker, protecting the lives of our innocent citizens and their constitutional rights is why we are all here. It is our sworn oath. The phrase in the 14th amendment capsulizes our entire Constitution. It says: ''No state shall deprive any person of life, liberty or property without due process of law.''

The bedrock foundation of this Republic is the Declaration, not the casual notion, but the Declaration of the self-evident truth that all human beings are created equal and endowed by their creator with the unalienable rights of life, liberty, and the pursuit of happiness. Every conflict and battle our Nation has ever faced can be traced to our commitment to this

core self-evident truth. It has made us the beacon of hope for the entire world. It is who we are.

And yet another day has passed, Madam Speaker, and we in this body have failed again to honor that commitment. We failed our sworn oath and our God-given responsibility as we broke faith with nearly 4,000 more innocent American babies who died without the protection we should have given them.

Madam Speaker, I believe that this discussion presents this Congress and the American people with two destiny questions.

The first that all of us must ask ourselves is very simple: Does abortion really kill a baby? If the answer is "yes," there is a second destiny question that inevitably follows.

And it is this, Madam Speaker: Will we allow ourselves to be dragged by those who have lost their way into a darkness where the light of human compassion has gone out and the predatory survival of the fittest prevails over humanity? Or will America embrace her destiny to lead the world to cherish and honor the God-given miracle of each human life?

Madam Speaker, it has been said that every baby comes with a message, that God has not yet despaired of mankind. And I mourn that those 4,000 messages sent to us today will never be heard. Madam Speaker, I also have not yet despaired. Because tonight maybe someone new, maybe even someone in this Congress, who heard this sunset memorial will finally realize that abortion really does kill a baby, that it hurts mothers in ways that we can never express, and that 12,798 days spent legally killing nearly 50 million children in America is enough. And perhaps they will realize that America is great enough to find a better way than abortion on demand.

So tonight, Madam Speaker, may we each remind ourselves that our own days in this sunshine of life are numbered and that all too soon each of us will walk from these Chambers for the very last time.

And if it should be that this Congress is allowed to convene on yet another day to come, may that be the day when we hear the cries of the unborn at last. May that be the day we find the humanity, the courage, and the will to embrace together our human and our constitutional duty to protect the least of these, our tiny American brothers and sisters, from this murderous scourge upon our Nation called abortion on demand.

It is February 6, 2008—12,798 days since Roe v. Wade—in the land of the free and the home of the brave.

## PERSONAL EXPLANATION

### HON. LUCILLE ROYBAL-ALLARD

OF CALIFORIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 6, 2008*

Ms. ROYBAL-ALLARD. Madam Speaker, I was ill today and was not present for naming bills S. 2110 (Roll No. 23) and H.R. 4140 (Roll No. 24). Had I been present, I would have voted "yea" on both measures.

## HONORING THE CAREER AND ACCOMPLISHMENTS OF DR. RONALD F. SURAL

### HON. HOWARD COBLE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 6, 2008*

Mr. COBLE. Madam Speaker, I join with those who are recognizing the extraordinary accomplishments of a distinguished constituent Dr. Ronald F Sural who recently retired. His career was one of remarkable contributions to the practice of medicine, and manifold successes and abiding dedication to the people of Greensboro, North Carolina.

Ron was horn in Saginaw, Michigan, and educated in a one-room schoolhouse. He knew he wanted to be a doctor at an early age after seeing how a local physician took care of the people in his hometown and the respect and admiration the physician enjoyed. Not being from a wealthy family, Ron worked to put himself through college and medical school.

Ron is a 1967 alumnus of the University of Michigan Medical School. Shortly after his medical residency Ron joined the United States Air Force as a surgeon. He faithfully served his Nation during the Vietnam War, eventually being promoted to the rank of Major.

In 1974, after retiring from the Air Force, he moved his family to North Carolina after visiting the state only once. He immediately fell in love with Greensboro and decided that it was the place he would raise his family.

Ron served the people of the Greensboro area as a urologist for 33 years, providing help and healing to the young and old alike, sometimes without pay. He never refused to help anyone in need and those patients often showed their appreciation by bringing him vegetables from their gardens or firewood—the only payment they could afford.

He served the Greensboro community through his involvement with the Summit Rotary Club of Greensboro, the Knights of Columbus and as a parishioner of Our Lady of Grace Catholic Church. He is a member of the Greensboro Country Club, where he has skillfully won several golf championships.

He is the proud, adoring father of four children, three grandchildren, and the loving husband to his wife of 41 years, Sharon.

Dr. Sural exemplifies all of what is good and positive about the practice of medicine. And now, his 33 year career as a physician, servant and educator has come to a close. He has left an indelible mark on his patients and on the medical professionals with whom he has worked, mentored, advised, and inspired. On behalf of the citizens of the Sixth District of North Carolina, we commend Dr. Ronald Sural for being a distinguished physician, father and husband, and an exemplar of strong character and generosity.

## SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, February 7, 2008 may be found in the Daily Digest of today's RECORD.

### MEETINGS SCHEDULED

FEBRUARY 12

9:30 a.m.

Armed Services

To hold hearings to examine Air Force nuclear security; to be followed by a closed session in SR–222.

SR–325

10 a.m.

Commerce, Science, and Transportation

Aviation Operations, Safety, and Security Subcommittee

To hold hearings to examine the President's proposed budget request for fiscal year 2009 for the Federal Aviation Administration.

SR–253

Budget

To hold hearings to examine the President's proposed budget request for fiscal year 2009 for defense and war costs.

SD–608

Environment and Public Works

To hold hearings to examine the President's proposed budget request for fiscal year 2009 for the U.S. Army Corps of Engineers Civil Works Program, and the implementation of the Water Resources Development Act (WRDA) of 2007.

SD–406

Health, Education, Labor, and Pensions

To hold hearings to examine ways to address healthcare workforce issues for the future.

SD–430

Judiciary

To hold hearings to examine the nominations of James Randal Hall, to be United States District Judge for the Southern District of Georgia, Richard H. Honaker, to be United States District Judge for the District of Wyoming, Gustavus Adolphus Puryear IV, to be United States District Judge for the Middle District of Tennessee, and Brian Stacy Miller, to be United States District Judge for the Eastern District of Arkansas.

SD–226

11 a.m.

Appropriations

Transportation, Housing and Urban Development, and Related Agencies Subcommittee

To hold hearings to examine proposed budget estimates for fiscal year 2009 for Transportation, Housing, and Urban Development, and Related Agencies.

SD–138

2 p.m.
Judiciary
Crime and Drugs Subcommittee
To hold hearings to examine federal cocaine sentencing laws, focusing on reforming the 100-to-1 crack/powder disparity.
SD–226

2:30 p.m.
Intelligence
To hold closed hearings to examine certain intelligence matters.
SH–219

FEBRUARY 13

9:30 a.m.
Armed Services
To hold hearings to examine improvements implemented and planned by the Department of Defense and the Department of Veterans Affairs for the care, management, and transition of wounded and ill servicemembers.
SH–216

Foreign Relations
To hold hearings to examine the President's budget request for fiscal year 2009 for Foreign Affairs.
SD–419

Veterans' Affairs
To hold hearings to examine the President's proposed budget request for fiscal year 2009 for veterans programs.
SR–418

9:45 a.m.
Energy and Natural Resources
To hold hearings to examine the President's budget request for fiscal year 2009 for the Department of the Interior.
SD–366

10 a.m.
Homeland Security and Governmental Affairs
To hold hearings to examine the Department of Defense Homeland Security role, focusing on how the military can and will contribute.
SD–342

Judiciary
To hold hearings to examine the state secrets privilege, focusing on protecting national security while preserving accountability.
SD–226

Rules and Administration
To hold hearings to examine ways to protect voters at home and at the polls, focusing on limiting abusive robocalls and vote caging practices.
SR–301

Small Business and Entrepreneurship
To hold hearings to examine the President's proposed budget request for fiscal year 2009 for the Small Business Administration.
SR–428A

2:30 p.m.
Intelligence
Closed business meeting to consider certain intelligence matters.
SH–219

3 p.m.
Health, Education, Labor, and Pensions
Children and Families Subcommittee
To hold hearings to examine the Family and Medical Leave Act (FMLA) (P.L. 103–3), focusing on a fifteen-year history of support for workers.
SD–430

FEBRUARY 14

9:30 a.m.
Commerce, Science, and Transportation
To hold hearings to examine the nomination of John J. Sullivan, of Maryland, to be Deputy Secretary of Commerce.
SR–253

Energy and Natural Resources
To hold hearings to examine the President's proposed budget estimates for fiscal year 2009 for the Department of Agriculture Forest Service.
SD–366

Indian Affairs
To hold an oversight hearing to examine the President's proposed budget request for fiscal year 2009 for tribal programs.
SD–628

9:45 a.m.
Homeland Security and Governmental Affairs
Oversight of Government Management, the Federal Workforce, and the District of Columbia Subcommittee
To hold hearings to examine ways to build and strengthen the Federal acquisition workforce.
SD–342

10 a.m.
Commerce, Science, and Transportation
To hold hearings to examine one year to digital television transition, focusing on consumers, broadcasters, and converter boxes.
SR–253

10:15 a.m.
Foreign Relations
Business meeting to consider pending calendar business.
S–116, Capitol

1:30 p.m.
Homeland Security and Governmental Affairs
To hold hearings to examine the President's proposed budget request for fiscal year 2009 for the Department of Homeland Security.
SD–342

2:30 p.m.
Intelligence
To hold hearings to examine the Director of National Intelligence authorities.
SH–216

FEBRUARY 21

10 a.m.
Judiciary
To hold hearings to examine pending judicial nominations.
SD–226

FEBRUARY 27

2:30 p.m.
Commerce, Science, and Transportation
Space, Aeronautics, and Related Agencies Subcommittee
To hold hearings to examine the President's proposed budget request for fiscal year 2009 for the National Space and Aeronautics Administration (NASA).
SR–253

FEBRUARY 28

9:30 a.m.
Armed Services
To hold hearings to examine the defense authorization request for fiscal year 2009, for the Department of the Navy, and the future years defense program; with the possibility of a closed session in SR–222 immediately following the open session.
SH–216

MARCH 5

9:30 a.m.
Armed Services
To hold hearings to examine the defense authorization request for fiscal year 2009, for the Department of the Air Force, and the future years defense program.
SH–216

MARCH 12

2:30 p.m.
Armed Services
Readiness and Management Support Subcommittee
To hold hearings to examine the defense authorization request for fiscal year 2009, the future years defense program, and military installation, environmental, and base closure programs.
SR–232A

# *Daily Digest*

# Senate

## *Chamber Action*

***Routine Proceedings, pages S679–S751***

**Measures Introduced:** Nine bills and two resolutions were introduced, as follows: S. 2594–2602, S. Res. 444, and S. Con. Res. 65. **Page S733**

**Measures Passed:**

***Do-Not-Call Improvement Act:*** Committee on Commerce, Science, and Transportation was discharged from further consideration of H.R. 3541, to amend the Do-Not-Call Implementation Act to eliminate the automatic removal of telephone numbers registered on the Federal ''do-not-call'' registry, and the bill was then passed, clearing the measure for the President. **Pages S750–51**

**Measures Considered:**

**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 S686–714**

Withdrawn:

By 49 yeas and 46 nays (Vote No. 7), Cardin Amendment No. 3930 (to Amendment No. 3911), to modify the sunset provision. (A unanimous-consent agreement was reached providing that the amendment, having failed to achieve 60 affirmative votes, be withdrawn). **Pages S687–88, S707–10**

Pending:

Rockefeller/Bond Amendment No. 3911, in the nature of a substitute. **Page S688**

Whitehouse Amendment No. 3920 (to Amendment No. 3911), to provide procedures for compliance reviews. **Pages S686–87, S688**

Feingold Amendment No. 3979 (to Amendment No. 3911), to provide safeguards for communications involving persons inside the United States. **Page S688**

Feingold/Dodd Amendment No. 3915 (to Amendment No. 3911), to place flexible limits on the use of information obtained using unlawful procedures. **Page S688**

Feingold Amendment No. 3913 (to Amendment No. 3911), to prohibit reverse targeting and protect the rights of Americans who are communicating with people abroad. **Pages S686, S688**

Feingold/Dodd Amendment No. 3912 (to Amendment No. 3911), to modify the requirements for certifications made prior to the initiation of certain acquisitions. **Page S688**

Dodd Amendment No. 3907 (to Amendment No. 3911), to strike the provisions providing immunity from civil liability to electronic communication service providers for certain assistance provided to the Government. **Page S688**

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 S688**

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. **Page S688**

Feinstein Amendment No. 3910 (to Amendment No. 3911), to provide a statement of the exclusive means by which electronic surveillance and interception of certain communications may be conducted. **Pages S706–07**

Feinstein Amendment No. 3919 (to Amendment No. 3911), to provide for the review of certifications by the Foreign Intelligence Surveillance Court. **Page S707**

Specter/Whitehouse Amendment No. 3927 (to Amendment No. 3911), to provide for the substitution of the United States in certain civil actions. **Page S712**

**Recovery Rebates and Economic Stimulus for the American People Act:** Senate continued 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, and taking action on the following amendments proposed thereto: **Pages S715–25**

Pending:

Reid Amendment No. 3983, of a perfecting nature. **Page S715**

Reid Amendment No. 3984 (to Amendment No. 3983), to change the enactment date. **Page S715**

Motion to commit the bill to the Committee on Finance, with instructions to report back forthwith, with Reid Amendment No. 3985. **Page S715**

Reid Amendment No. 3986 (to the instructions of the Reid motion to commit), of a perfecting nature. **Page S715**

Reid Amendment No. 3987 (to Amendment No. 3986), of a perfecting nature. **Page S715**

During consideration of this measure today, Senate also took the following action:

By 58 yeas to 41 nays (Vote No. 8), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate rejected the motion to close further debate on Reid Amendment No. 3983 (listed above). **Pages S715–25**

Senator Reid entered a motion to reconsider the vote by which the motion to invoke cloture on Reid Amendment No. 3983 (listed above) failed. **Page S725**

**Message from the President:** Senate received the following message from the President of the United States:

Transmitting, pursuant to law, a report on the continuation of the national emergency that was declared with respect to the Government of Cuba's destruction of two unarmed U.S.-registered civilian aircraft; which was referred to the Committee on Banking, Housing, and Urban Affairs. (PM–36) **Pages S728–29**

**Removal of Injunction of Secrecy:** The injunction of secrecy was removed from the following treaty:

International Convention Against Doping in Sport (Treaty Doc. No. 110–14).

The treaty was transmitted to the Senate today, considered as having been read for the first time, and referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed. **Page S751**

**Nominations Received:** Senate received the following nominations:

Susan D. Peppler, of California, to be an Assistant Secretary of Housing and Urban Development.

Linda Thomas-Greenfield, of Louisiana, to be Ambassador to the Republic of Liberia.

Ralph E. Martinez, of Florida, to be a Member of the Foreign Claims Settlement Commission of the United States for a term expiring September 30, 2010.

A routine list in the Foreign Service. **Page S751**

**Messages from the House:** **Page S729**

**Measures Read the First Time:** **Pages S729, S751**

**Executive Communications:** **Pages S729–32**

**Executive Reports of Committees:** **Pages S732–33**

**Additional Cosponsors:** **Pages S733–34**

**Statements on Introduced Bills/Resolutions:** **Pages S734–43**

**Additional Statements:** **Pages S726–28**

**Amendments Submitted:** **Pages S743–50**

**Authorities for Committees to Meet:** **Page S750**

**Privileges of the Floor:** **Page S750**

**Record Votes:** Two record votes were taken today. (Total—8) **Pages S709–10, S725**

**Recess:** Senate convened at 9:30 a.m. and recessed at 7:32 p.m., until 10:30 a.m. on Thursday, February 7, 2008. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S751.)

# *Committee Meetings*

*(Committees not listed did not meet)*

## NOMINATIONS

*Committee on Armed Services:* Committee ordered favorably reported 782 nominations in the Army, Navy, Air Force, and Marine Corps.

## DEFENSE AUTHORIZATION

*Committee on Armed Services:* Committee concluded a hearing to examine the defense authorization request for fiscal year 2009, the future years defense program, and for operations in Iraq and Afghanistan, after receiving testimony from Robert M. Gates, Secretary, Admiral Michael G. Mullen, USN, Chairman, Joint Chiefs of Staff, and Tina W. Jonas, Under Secretary (Comptroller), all of the Department of Defense.

## 2009: BUDGET

*Committee on the Budget:* Committee concluded a hearing to examine the President's fiscal year 2009 budget and revenue proposals, after receiving testimony from Henry M. Paulson, Jr., Secretary, Department of the Treasury.

## DEPARTMENT OF ENERGY BUDGET

*Committee on Energy and Natural Resources:* Committee concluded a hearing to examine the President's proposed budget estimates for fiscal year 2009 for the Department of Energy, after receiving testimony from Samuel W. Bodman, Secretary of Energy.

## SURFACE TRANSPORTATION COMMISSION REPORT

*Committee on Environment and Public Works:* Committee concluded a hearing to examine perspectives

on the Surface Transportation Commission report, focusing on current and future transportation needs of the United States, after receiving testimony from Mary E. Peters, Secretary of Transportation; JayEtta Z. Hecker, Director, Physical Infrastructure Issues, Government Accountability Office; Debra L. Miller, Kansas Department of Transportation, Topeka, on behalf of the American Association of State Highway and Transportation Officials; and Janet F. Kavinoky, U.S. Chamber of Commerce, and Gregory M. Cohen, American Highway Users Alliance, both of Washington, D.C.

**BUSINESS MEETING**

*Committee on Environment and Public Works:* Committee ordered favorably reported S. 2146, to authorize the Administrator of the Environmental Protection Agency to accept, as part of a settlement, diesel emission reduction Supplemental Environmental Projects.

**DEPARTMENT OF HEALTH AND HUMAN SERVICES BUDGET**

*Committee on Finance:* Committee concluded a hearing to examine the President's proposed budget request for fiscal year 2009 for the Department of Health and Human Services, after receiving testimony from Michael O. Leavitt, Secretary, Department of Health and Human Services.

**KOREAN PENINSULA DENUCLEARIZATION**

*Committee on Foreign Relations:* Committee concluded a hearing to examine the Six-Party Talks for the denuclearization of the Korean Peninsula, after receiving testimony from Christopher R. Hill, Assistant Secretary of State for East Asia and Pacific Affairs.

**NOMINATIONS**

*Committee on Foreign Relations:* Committee concluded a hearing 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, after the nominees testified and answered questions in their own behalf.

**SUDAN**

*Committee on Foreign Relations:* Committee met in closed session to receive a briefing on Sudan from Richard Williamson, President's Special Envoy to Sudan, Department of State.

# House of Representatives

## *Chamber Action*

**Public Bills and Resolutions Introduced:** 21 public bills, H.R. 5222–5242; 1 private bill, H.R. 5243; and 7 resolutions, H. Con. Res. 288; and H. Res. 957–962 were introduced. **Page H620**

**Additional Cosponsors:** **Pages H621–23**

**Reports Filed:** A report was filed on February 1, 2008 as follows:

H.R. 3111, to provide for the administration of Port Chicago Naval Magazine National Memorial as a unit of the National Park System (H. Rept. 110–506, Pt. 1).

Reports were filed today as follows:

H. Res. 955, waiving a requirement of clause 6(a) of Rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules (H. Rept. 110–522) and H. Res. 956, providing for consideration of the bill (H.R. 4137) to amend and extend the Higher Education Act of 1965 (H. Rept. 110–523). **Page H620**

**Speaker:** Read a letter from the Speaker wherein she appointed Representative Baird to act as Speaker Pro Tempore for today. **Page H561**

**Chaplain:** The prayer was offered by the guest Chaplain, Dr. Stephen L. Swisher, Lovers Lane United Methodist Church, Dallas, Texas. **Page H561**

**Whole Number of the House:** The Chair announced to the House that, in light of the resignation of the gentleman from Louisiana, Mr. Baker, the whole number of the House is adjusted to 430. **Page H562**

**Commission on Civil Rights—Appointment:** The Chair announced the Speaker's appointment of the following member on the part of the House of Representatives to the Commission on Civil Rights to fill the existing vacancy thereon and effective February 12, 2008, the Speaker's reappointment of the same member to a six-year term expiring February 11, 2014: Mr. Todd Gaziano of Falls Church, Virginia. **Page H562**

**Suspensions:** The House agreed to suspend the rules and pass the following measures:

**Recognizing the 50th Anniversary of the National Academy of Recording Arts & Sciences:** H. Con. Res. 273, to recognize the 50th Anniversary of the National Academy of Recording Arts & Sciences; **Pages H564–65**

**Commending the Houston Dynamo soccer team for winning the 2007 Major League Soccer Cup:** H. Res. 867, to commend the Houston Dynamo soccer team for winning the 2007 Major League Soccer Cup, by a ⅔ yea-and-nay vote of 373 yeas with none voting "nay", Roll No. 29; **Pages H565–66, H591–92**

**Recognizing the significance of Black History Month:** H. Res. 942, to recognize the significance of Black History Month, by a ⅔ yea-and-nay vote of 367 yeas with none voting "nay", Roll No. 30; **Pages H566–70, H592–93**

**Expressing support for designation of February 17, 2008, as "Race Day in America" and highlighting the 50th running of the Daytona 500:** H. Res. 931, to express support for designation of February 17, 2008, as "Race Day in America" and to highlight the 50th running of the Daytona 500; **Pages H570–71**

**Remembering the space shuttle Challenger disaster and honoring its crew members, who lost their lives on January 28, 1986:** H. Res. 943, to remember the space shuttle Challenger disaster and to honor its crew members, who lost their lives on January 28, 1986, by a ⅔ yea-and-nay vote of 371 yeas with none voting "nay", Roll No. 31; **Pages H571–73 H593**

**Celebrating the 50th anniversary of the United States Explorer I satellite, the world's first scientific spacecraft, and the birth of the United States space exploration program:** H. Con. Res. 287, to celebrate the 50th anniversary of the United States Explorer I satellite, the world's first scientific spacecraft, and the birth of the United States space exploration program; **Pages H573–75**

**Congratulating the X PRIZE Foundation's leadership in inspiring a new generation of viable, super-efficient vehicles:** H. Res. 907, amended, to congratulate the X PRIZE Foundation's leadership in inspiring a new generation of viable, super-efficient vehicle; and **Pages H575–76**

**Do-Not-Call Registry Fee Extension Act of 2007:** S. 781, to extend the authority of the Federal Trade Commission to collect Do-Not-Call Registry fees to fiscal years after fiscal year 2007—clearing the measure for the President. **Pages H588–91**

**Recess:** The House recessed at 5:07 p.m. and reconvened at 6:30 p.m. **Page H591**

**Suspensions—Proceedings Postponed:** The House debated the following measures under suspension of the rules. Further proceedings were postponed until Thursday, February 7th:

**Calling for a peaceful resolution to the current electoral crisis in Kenya:** H. Con. Res. 283, amended, to call for a peaceful resolution to the current electoral crisis in Kenya; **Pages H576–80**

**Congratulating Lee Myung-Bak on his election to the Presidency of the Republic of Korea and wishing him well during his time of transition and his inauguration on February 25, 2008:** H. Res. 947, to congratulate Lee Myung-Bak on his election to the Presidency of the Republic of Korea and wishing him well during his time of transition and his inauguration on February 25, 2008; and **Pages H580–83**

**Extending for one year parity in the application of certain limits to mental health benefits:** H.R. 4848, amended, to extend for one year parity in the application of certain limits to mental health benefits. **Pages H583–88**

**Presidential Messages:** Read a message from the President wherein he transmitted to Congress the Budget of the Federal Government for Fiscal Year 2009—referred to the Committee on Appropriations and ordered printed (H. Doc. 110–84). **Page H563**

Read a message from the President wherein he notified Congress of the continuation of the national emergency with respect to the Government of Cuba's destruction of two unarmed U.S.-registered civilian aircraft in international airspace north of Cuba on February 24, 1996 is to continue in effect beyond March 1, 2008—referred to the Committee on Foreign Affairs and ordered printed (H. Doc. 110–93). **Page H591**

**Senate Messages:** Messages received from the Senate by the Clerk and subsequently presented to the House today appear on page H617.

**Senate Referrals:** S. 550 was referred to the Committee on Oversight and Government Reform; S. J. Res. 25 and S. 2571 were held at the desk. **Page H617**

**Quorum Calls Votes:** Three yea-and-nay votes developed during the proceedings of today and appear on pages H591–92, H592, H593. There were no quorum calls.

**Adjournment:** The House met at 2 p.m. and adjourned at 10:45 p.m.

**Program for Thursday:** Consideration of H.R. 4137—College Opportunity and Affordability Act (Subject to a Rule).

# *Committee Meetings*

## F–15 AIRCRAFT; WORLD-WIDE THREAT

*Committee on Appropriations:* Subcommittee on Defense met in executive session to hold a hearing on F–15 Aircraft. Testimony was heard from the following officials of the Department of the Air Force: GEN T. Michael Moseley, USAF, Chief of Staff; and GEN John D.W. Corley, USAF, Commander, Air Combat Command.

The Subcommittee also met in executive session to hold a briefing on World-Wide Threat. The Subcommittee was briefed by J. Michael McConnell, Director, Office of the Director of National Intelligence; and Michael V. Hayden, Director, CIA.

## NATIONAL DEFENSE BUDGET REQUEST

*Committee on Armed Services:* Held a hearing on Fiscal Year 2009 National Defense Budget Request from the Department of Defense. Testimony was heard from the following officials of the Department of Defense: Robert M. Gates, Secretary; and ADM Michael G. Mullen, USN, Chairman, Joint Chiefs of Staff.

## KENYA—POLITICAL CRISIS

*Committee on Foreign Affairs,* Subcommittee on Africa and Global Health held a hearing on the Political Crisis in Kenya: A Call for Justice and Peaceful Resolution. Testimony was heard from the following officials of the Department of State: James C. Sawn, Deputy Assistant Secretary, Bureau of African Affairs; and Gregory Gottlieb, Deputy Assistant Administrator, Bureau for Democracy, Conflict, and Humanitarian Assistance, U.S. Agency for International Development; Mia Farrow, Goodwill Ambassador, United Nations Children's Fund; and public witnesses.

## INDIAN LAND CLAIMS MEASURES

*Committee on Natural Resources:* Held a 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. Testimony was heard from Representatives Dingell, Stupak, Kilpatrick, Rogers of Michigan, Miller of Michigan, Conyers, Berkley and Thompson of Mississippi; Carl Artman, Assistant Secretary, Bureau of Indian Affairs, Department of the Interior; the following Mayors of Michigan: Alan R. Lambert, Romulus; and Kwame Kilpatrick, Detroit; and public witnesses.

## SAME DAY CONSIDERATION OF RESOLUTIONS REPORTED BY THE RULES COMMITTEE

*Committee on Rules:* Granted, by voice vote, a rule waiving clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules.

The rule provides that the requirement of clause 6(a) of rule XIII for a two-thirds vote to consider a report from the Committee on Rules on the same day it is presented to the House is waived with respect to any rule reported on the legislative day of Thursday, February 7, 2008, relating to a bill to provide economic stimulus.

## COLLEGE OPPORTUNITY AND AFFORDABILITY ACT OF 2007

*Committee on Rules:* Granted, by voice vote, a structured rule providing one hour of general debate on H.R. 4137, College Opportunity and Affordability Act of 2007, equally divided and controlled by the chairman and ranking minority member of the Committee on Education and Labor. The rule waives all points of order against consideration of the bill except clauses 9 and 10 of rule XXI. The rule provides that the amendment in the nature of a substitute recommended by the Committee on Education and Labor now printed in the bill shall be considered as an original bill for the purpose of amendment and shall be considered as read. The rule waives all points of order against the amendment in the nature of a substitute except for clause 10 of rule XXI.

The rule makes in order only those amendments printed in the Rules Committee report and the amendments en bloc. The amendments made in order may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for a division of the question in the House or in the Committee of the Whole. All points of order against the amendments except for clauses 9 and 10 of rule XXI are waived. The rule also permits the chairman of the Committee on Education and Labor or his designee to offer amendments en bloc consisting of those amendments that have been printed in this report and not earlier disposed of. The rule provides one motion to recommit with or without instructions. The rule provides that, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to a time designated by the

Speaker. The rule tables House Resolution 941. Testimony was heard from Chairman George Miller of CA, Representatives Susan Davis of CA, Dann Davis of IL, Alcee Hastings of FL, Edwards, Stupak, Etheridge, Baird, Cooper, Tim Ryan of OH, Lincoln Davis of TN, McKeon, Castle and Shays.

## NEW PUBLIC LAWS

*(For last listing of Public Laws, see* DAILY DIGEST, *p. D79)*

H.R. 3432, to establish the Commission on the Abolition of the Transatlantic Slave Trade. Signed on February 5, 2008. (Public Law 110–183)

H.R. 2110, to amend the Internal Revenue Code of 1986 to provide for tax exempt qualified small issue bonds to finance agricultural processing property. Signed on February 6, 2008. (Public Law 110–184)

## COMMITTEE MEETINGS FOR THURSDAY, FEBRUARY 7, 2008

*(Committee meetings are open unless otherwise indicated)*

### Senate

*Committee on Armed Services:* to hold hearings to examine the final report of the Commission on the National Guard and Reserves, 9:30 a.m., SD–106.

Subcommittee on Readiness and Management Support, to hold hearings to examine business transformation and financial management at the Department of Defense, 2:30 p.m., SR–222.

*Committee on Banking, Housing, and Urban Affairs:* to hold hearings to examine ways to reform the regulation of government sponsored enterprises, 10 a.m., SD–538.

*Committee on Commerce, Science, and Transportation:* to hold hearings to examine the nominations of Robert A. Sturgell, of Maryland, to be Administrator of the Federal Aviation Administration, and Simon Charles Gros, of New Jersey, to be an Assistant Secretary for Governmental Affairs, both of the Department of Transportation, 10 a.m., SR–253.

*Committee on Energy and Natural Resources:* to hold an oversight hearing to examine the energy market effects of the recently-passed renewable fuel standard, 9:30 a.m., SD–366.

*Committee on Finance:* to hold hearings to examine selling to seniors, focusing on the need for accountability and oversight of marketing and sales by Medicare private plans, 10 a.m., SD–215.

*Committee on Foreign Relations:* Subcommittee on African Affairs, to hold hearings to examine the immediate and underlying causes and consequences of Kenya's flawed election, 9:30 a.m., SD–419.

Full Committee, to hold hearings to examine the nominations of Hector E. Morales, of Texas, to be Permanent Representative of the United States of America to the Organization of American States, with the rank of Ambassador, Department of State, Larry Woodrow Walther, of Arkansas, to be Director of the Trade and Development Agency, and Ana M. Guevara, of Florida, to be United States Alternate Executive Director of the International Bank for Reconstruction and Development, 2:30 p.m., SD–419.

*Committee on Indian Affairs:* to hold hearings to examine the nomination of Robert G. McSwain, of Maryland, to be Director of the Indian Health Service, Department of Health and Human Services, 9:30 a.m., SD–628.

*Committee on the Judiciary:* to hold hearings to examine the Founding Fathers papers, focusing on ensuring public access to our national treasures, 10 a.m., SD–226.

*Select Committee on Intelligence:* closed business meeting to consider pending calendar business, 2:30 p.m., SH–219.

### House

*Committee on Agriculture,* Subcommittee on Livestock, Dairy, and Poultry, hearing to review the National Veterinary Medical Service Act, 10:30 a.m., 1300 Longworth.

*Committee on Appropriations,* Subcommittee on Defense, executive, on DOD Force Health Protection, 1:30 p.m., and, executive, on Surgeon Generals of the Services, 2:30 p.m., H–140 Capitol.

Subcommittee on Interior, Environment, and Related Agencies, on Department of Interior, Overview with the Secretary, 10 a.m., B–308 Rayburn.

Subcommittee on Legislative Branch, on Capitol Visitor Center, 10 a.m., 2362–A Rayburn.

Subcommittee on Military Construction, Veterans Affairs, and Related Agencies, on Quality of Life, 2 p.m., H–143 Capitol.

Subcommittee on Transportation, and Housing and Urban Development, and Related Agencies, on Department of Transportation Fiscal Year Budget Request, 1 p.m., 2359 Rayburn.

*Committee on Armed Services,* Subcommittee on Military Personnel, hearing on beneficiary advocacy overview, 3 p.m., 2212 Rayburn.

*Committee on the Budget,* hearing on the President's Fiscal Year 2009 Budget, 11 a.m., 210 Cannon.

*Committee on Energy and Commerce,* hearing entitled "Department of Energy's Fiscal Year 2009 Budget Proposal," 10 a.m., 2123 Rayburn.

*Committee on Financial Services,* hearing entitled "The Holocaust Insurance Accountability Act of 2007 (H.R. 1746): Holocaust Era Insurance Restitution After ICHEIC, the International Commission on Holocaust Era Insurance Claims," 9:30 a.m., 2128 Rayburn.

Subcommittee on Oversight and Investigations, hearing entitled "Diversity in the Financial Services Sector," 2:30 p.m., 2128 Rayburn.

*Committee on Foreign Affairs,* Subcommittee on Western Hemisphere, hearing on U.S. Obligations under the Merida Initiative, 10 a.m., 2212 Rayburn.

*Committee on Homeland Security,* Subcommittee on Emerging Threats, Cybersecurity, and Science and Technology, hearing entitled "Other Transaction Authority: Flexibility at the Expense of Accountability?" 2 p.m., 311 Cannon.

*Committee on the Judiciary,* oversight hearing on the Department of Justice, 11 a.m., 2141 Rayburn.

*Committee on Science and Technology,* Subcommittee on Research and Science Education, hearing on Visas for Foreign Scholars and Students, 2 p.m., 2318 Rayburn.

Subcommittee on Technology and Innovation, to mark up the following bills: H.R. 3916, To provide for the next generation of border and maritime security technologies; H.R. 4847, United States Fire Administration Reauthorization Act of 2007; and H.R. 5161, Green Transportation Infrastructure Research and Technology Transfer Act, 10 a.m., 2318 Rayburn.

*Committee on Small Business,* hearing entitled ''The Small Business Administration's Budget for Fiscal Year 2009, 10 a.m., 2360 Rayburn.

*Committee on Transportation and Infrastructure,* Subcommittee on Aviation, hearing on the President's Fiscal Year 2009 Federal Aviation Administration Budget, 10 a.m., 2167 Rayburn.

Subcommittee on Water Resources and Environment, hearing on Agency Budgets and Priorities for Fiscal Year 2009, 2 p.m., 2167 Rayburn.

*Committee on Veterans' Affairs,* hearing on the Department of Veterans Affairs Budget Request for Fiscal Year 2009, 1 p.m., 334 Cannon.

*Committee on Ways and Means,* hearing on President Bush's budget proposals for fiscal year 2009, 9:30 a.m., 1100 Longworth.

*Permanent Select Committee on Intelligence,* hearing on World Wide Threats, 10 a.m., 2118 Rayburn.

## Joint Meetings

Commission on Security and Cooperation in Europe: to continue hearings to examine anti-Semitism in the Organization for Security and Co-operation in Europe (OSCE) region, 2:30 p.m., SD–406.

*Next Meeting of the* SENATE

10:30 a.m., Thursday, February 7

Senate Chamber

**Program for Thursday:** Senate Majority Leader will be recognized.

*Next Meeting of the* HOUSE OF REPRESENTATIVES

10 a.m., Thursday, February 7

House Chamber

**Program for Thursday:** Consideration of H.R. 4137—College Opportunity and Affordability Act (Subject to a Rule).

## Extensions of Remarks, as inserted in this issue

HOUSE

Baca, Joe, Calif., E127
Berman, Howard L., Calif., E118
Brady, Robert A., Pa., E121
Carter, John R., Tex., E122
Castle, Michael N., Del., E120
Coble, Howard, N.C., E129
Costello, Jerry F., Ill., E124
Davis, David, Tenn., E127
Davis, Geoff, Ky., E128
Diaz-Balart, Lincoln, Fla., E127
Feeney, Tom, Fla., E117, E119
Franks, Trent, Ariz., E128
Gillibrand, Kirsten E., N.Y., E118
Graves, Sam, Mo., E117, E119
Green, Al, Tex., E120
Hensarling, Jeb, Tex., E127
Higgins, Brian, N.Y., E123
Hill, Baron P., Ind., E121
Johnson, Eddie Bernice, Tex., E120
Kirk, Mark Steven, Ill., E125
Langevin, James R., R.I., E125
Latta, Robert E., Ohio, E123
Lee, Barbara, Calif., E117, E119
Lofgren, Zoe, Calif., E127
McCotter, Thaddeus G., Mich., E117
McDermott, Jim, Wash., E124
Marchant, Kenny, Tex., E124
Mitchell, Harry E., Ariz., E124
Nunes, Devin, Calif., E122
Reynolds, Thomas M., N.Y., E117, E119
Roskam, Peter J., Ill., E118
Roybal-Allard, Lucille, Calif., E129
Sessions, Pete, Tex., E123
Sestak, Joe, Pa., E123
Shimkus, John, Ill., E122
Simpson, Michael K., Idaho, E118
Thompson, Mike, Calif., E121
Udall, Mark, Colo., E126, E128
Udall, Tom, N.M., E122
Van Hollen, Chris, Md., E121
Whitfield, Ed, Ky., E122

Congressional Record

The *Congressional Record* (USPS 087–390). The Periodicals postage is paid at Washington, D.C. The public proceedings of each House of Congress, as reported by the Official Reporters thereof, are printed pursuant to directions of the Joint Committee on Printing as authorized by appropriate provisions of Title 44, United States Code, and published for each day that one or both Houses are in session, excepting very infrequent instances when two or more unusually small consecutive issues are printed one time. ¶Public access to the *Congressional Record* is available online through *GPO Access*, a service of the Government Printing Office, free of charge to the user. The online database is updated each day the *Congressional Record* is published. The database includes both text and graphics from the beginning of the 103d Congress, 2d session (January 1994) forward. It is available through *GPO Access* at www.gpo.gov/gpoaccess. Customers can also access this information with WAIS client software, via telnet at swais.access.gpo.gov, or dial-in using communications software and a modem at 202–512–1661. Questions or comments regarding this database or *GPO Access* can be directed to the *GPO Access* User Support Team at: E-Mail: gpoaccess@gpo.gov; Phone 1–888–293–6498 (toll-free), 202–512–1530 (D.C. area); Fax: 202–512–1262. The Team's hours of availability are Monday through Friday, 7:00 a.m. to 5:30 p.m., Eastern Standard Time, except Federal holidays. ¶The *Congressional Record* paper and 24x microfiche edition will be furnished by mail to subscribers, free of postage, at the following prices: paper edition, $252.00 for six months, $503.00 per year, or purchased as follows: less than 200 pages, $10.50; between 200 and 400 pages, $21.00; greater than 400 pages, $31.50, payable in advance; microfiche edition, $146.00 per year, or purchased for $3.00 per issue payable in advance. The semimonthly *Congressional Record Index* may be purchased for the same per issue prices. To place an order for any of these products, visit the U.S. Government Online Bookstore at: bookstore.gpo.gov. Mail orders to: Superintendent of Documents, P.O. Box 371954, Pittsburgh, PA 15250–7954, or phone orders to 866–512–1800 (toll free), 202–512–1800 (D.C. area), or fax to 202–512–2250. Remit check or money order, made payable to the Superintendent of Documents, or use VISA, MasterCard, Discover, American Express, or GPO Deposit Account. ¶Following each session of Congress, the daily *Congressional Record* is revised, printed, permanently bound and sold by the Superintendent of Documents in individual parts or by sets. ¶With the exception of copyrighted articles, there are no restrictions on the republication of material from the *Congressional Record*.

**POSTMASTER:** Send address changes to the Superintendent of Documents, *Congressional Record*, U.S. Government Printing Office, Washington, D.C. 20402, along with the entire mailing label from the last issue received.