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## Senate

(Legislative day of Wednesday, February 6, 2008)

The Senate met at 10:30 a.m., on the expiration of the recess, and was called to order by the Honorable SHELDON WHITEHOUSE, a Senator from the State of Rhode Island.

### PRAYER

The PRESIDING OFFICER. Today's prayer will be offered by our guest Chaplain, Rabbi Cheryl Jacobs of the Jewish Healing Center, Plantation, FL.

The guest Chaplain offered the following prayer:

Dear God, what do I desire for my country? How do I vision the land I love? Let it be a land where knowledge is free, where the mind is without fear and men and women hold their heads high, where words come out from the depths of truth, where our leaders have the courage and the permission to lead, where Americans have faith in our land, in our leaders, and in themselves.

Let it be a land where we live free of fear, a land safe for our children and for the generations that have yet to be, where our Nation has not been broken up into fragments by narrow domestic walls, where the brave men and women who fight for our country are revered and honored for the heroes they are.

And let it be a land where tireless striving stretches its arms toward perfection and where there are limitless opportunities for all people. Into that heaven of freedom, let my country awake.

May the Lord bless us and keep us. May the Lord cause His face to shine upon us. May the Lord bless our country with peace. Amen.

### PLEDGE OF ALLEGIANCE

The Honorable SHELDON WHITEHOUSE led the Pledge of Allegiance, as follows:

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

### APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The bill clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, February 7, 2008.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable SHELDON WHITEHOUSE, a Senator from the State of Rhode Island, to perform the duties of the Chair.

ROBERT C. BYRD,  
President pro tempore.

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

### RECOGNITION OF THE MAJORITY LEADER

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

### ORDER OF PROCEDURE

Mr. REID. Mr. President, I ask unanimous consent that there be a period of morning business for up to 60 minutes, with Senators permitted to speak therein for up to 10 minutes each.

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

### SCHEDULE

Mr. REID. Mr. President, on the stimulus package, I have had a number of conversations with the Republican leader this morning. I have a way forward, but we don't have a way forward yet. We are going to see if we can continue working so that we have a way forward. We are having some discussions. He is indisposed for an hour. When he gets back, we will meet again.

All Senators should know that we have to finish FISA this week. Hopefully, we can finish it today and, if not, tomorrow. We have to finish it this week. As for the stimulus package, it would be good to finish it today, but we may not be able to. Procedurally, we may have to wait until tomorrow or maybe even Tuesday. But we are working on that.

Like I said, I have a way forward, but we don't have a way forward. I will try to see if we can have a situation where it is "we" rather than "I." I hope that works out well.

As I indicated last night, we had a good bipartisan vote. It would have been better if we had one more bipartisan vote, but it was still something we should all feel good about. We are trying to move this country forward. The economy is in real trouble now, as indicated in today's press. Now the Fed is worried about inflation, and in addition to that, we have other countries worried about inflation—European countries. It is really a time of trouble. That is why we have to continue to work on the stimulus package to see if we can come up with something.

### RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Leadership time is reserved.

### MORNING BUSINESS

The ACTING PRESIDENT pro tempore. There will now be 1 hour of morning business, with Senators permitted to speak therein for 10 minutes each.

The Senator from Florida is recognized.

### THANKING THE VISITING CHAPLAIN

Mr. MARTINEZ. Mr. President, I was running in late. I am devastated that I missed the prayer by Rabbi Cheryl Jacobs, from Broward County, FL. I am

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



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honored to have her here. I was at a Banking Committee hearing and could not make it on time.

Rabbi Jacobs does an amazing amount of work in the Broward County area, helping people in need in all walks of life. She is always there to help. I am tremendously honored to have her here today. We are pleased that she was able to honor us with her prayer. We thank her for coming.

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

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

The bill clerk proceeded to call the roll.

Mr. CORKER. 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.

### STIMULUS PACKAGE

Mr. CORKER. Mr. President, as you know, I very seldom come to the floor. Last week, I came to the floor to talk a little bit about the stimulus package that is before us now. Last night, we had a vote that blocked the Senate Finance Committee package. I know that probably sometime during the course of this day—or very soon—we will be voting on the House version of the stimulus package. I have to say that I realize I am a voice in the wilderness—actually more of a voice in the wilderness this week than last—but I continue to be almost shocked at the lack of debate regarding this stimulus package and its nature and effect on our economy.

This is a roughly \$150 billion package. Most of this package is oriented toward sprinkling, if you will, checks around our country. I know there are many people in our country in need, and there have been attempts to add various groups that “have been left out” of the package. I really feel for people around our country who are in tremendous economic distress. But I have to say that, to me—and this is just one opinion, and I have tremendous respect for this body and the various opinions that exist here—this has to be, in my humble opinion, one of the most irresponsible things we have done since I have been in the Senate.

I think about all the debate we have had here, for instance, regarding earmarks, the wasteful spending that can sometimes take place over congressional earmarks. I know the public has been focused on that particular item now for over a year, as that issue has been debated on the floor and as people have tried to weed out, if you will, wasteful earmarks.

In one fell swoop today—or tomorrow—we are going to be taking \$150 billion and, from the standpoint of having an effect on our economy for the long term, in essence, wadding it up and throwing it, for lack of a better expression, into a mud bowl. I have heard no

serious economists—and I have not read every economist—speak to the virtues of this stimulus package.

I think you know the President just put forth a budget that shows a \$410 billion budget deficit next year. All of us know that is not even close to the real number because operations in Afghanistan and Iraq are not fully funded by that budget.

We are talking about in 2009 a half-a-trillion-dollar budget deficit, money that none of us will ever, of course, pay for. Mr. President, you and I will never have anything to do with paying back this money. Our grandchildren and their children will pay this back.

As I mentioned last week on the floor, \$150 billion becomes in a generation, 20 years, \$322 billion. We, in essence, are borrowing this money. All of us know much of this money will be lent to us from countries such as China and other places. Most of us know that between the fiscal policy we are talking about today and the monetary policy that has been followed recently by the Fed, the U.S. dollar has devalued. Companies in our country are becoming greater bargains for people in other countries. There has been tremendous investment by other countries buying up companies in our country.

Many of the products people will spend this money on, if they spend it on items other than electricity bills and those kinds of items, will be products that are made in other countries.

All of us—and, Mr. President, I know you are new to this body as I am—came here recognizing the tremendous recklessness that has occurred as it relates to our country’s fiscal and financial matters. I think all of us came here wanting to rectify that situation. I find it truly hard to believe there is such a rush in this Congress to take \$150 billion and sprinkle it around America as if we feel that is going to do something to stimulate our economy.

I know that much of this—again, I am not saying by any measure this relates to every Senator, but I know much of this is politically motivated, to make sure people in our country think we are doing something, even if it is wrong. I know this is an election year. In some ways, to some constituent groups, this might build political favor. I certainly have not had private conversations with every Senator, so that should be noted. But I have to tell my colleagues, in private, I have not found one Senator—not one—who believes what we are getting ready to do is going to do anything to stimulate this economy. Again, economists around the country are mentioning the fact daily that this will have little or no effect.

Recently a well-respected person I know, whom I will not quote, said: Look, this is an awful lot of money. It probably will not do any harm. I think about what \$150 billion would do invested in ways that actually created jobs for the long haul, whether it is in research, whether it is in promotion of

energy security, maybe doing something to solve some of the health issues we have in our country. Certainly, there are other ways for us to spend \$150 billion.

I have listened to some of the debates on the floor that go on for days, if you will, over spending \$1 billion or over spending \$10 billion maybe at a university or something such as that. I realized that in the very near future, this body, without any real debate, is getting ready to spend \$150 billion we will never pay back.

I will close with this, and I said this the last time I spoke. There are children all over America today in classrooms. We have some who got up this morning who are in front of us—our pages—at 5 in the morning and went to class at 6. They come here every day and work with us. They are looking to their parents, their teachers, their coaches, their Sunday school teachers to help teach them life principles and to help make decisions that hopefully will cause their lives to be more whole and more full, and hopefully from time to time they look to those of us in Washington to do the same—their elected officials.

I hope, and I say this with all due respect to the Members in this body who have a different opinion—this is solely my opinion, and I have deep respect for the other 99 Members of this body, but from my own personal vantage point, I hope they are not looking at us this week. I do not think there are many Members in this body who believe this \$150 billion these young people and their children will pay back is being spent in a meaningful way. I think many Members of this body realize this is an election-year stunt, if you will, to make it look as if we are addressing a problem when, in my humble opinion, we are not.

I do hope that sometime, in a bipartisan way, all of us can work together and address the fundamental fiscal problems which our country has to deal with. I know there is a bill that is going to be debated on the floor, hopefully in the near future, the Conrad-Gregg bill, to get us together and focus on Social Security and Medicare. Again, we have not even begun to see the stresses those programs are going to create for our country. Yet in this next fiscal year, we are looking at half a trillion dollars in a 1-year annual budget deficit.

We have been fiscally reckless as a country. As they say back in my home State, the chickens are going to come home to roost. I am tremendously discouraged that we in this body are getting ready to spend \$150 billion the way that we are and to ask these young people and the young people across our country and the young people coming after them to pay the tap on that money so that in this election year, we can act like we have actually done something to solve a problem, when I think there are many in this body who know that is not what we are doing.

Obviously, it has been made clear, I am going to vote against the House package, the Senate package, and any other package that focuses on sprinkling money around America in a way we know is not going to affect our economy in any meaningful way.

Mr. President, as you know, it is a tremendous pleasure for me to serve with you in the Senate.

I suggest the absence of a quorum.

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

The bill clerk proceeded to call the roll.

Ms. MIKULSKI. 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.

Ms. MIKULSKI. Mr. President, I wish to proceed for 10 minutes in morning business.

The ACTING PRESIDENT pro tempore. The Senate is in morning business.

#### ECONOMIC STIMULUS

Ms. MIKULSKI. Mr. President, I wish to talk about the stimulus package and I wish to talk about our economy and I wish to talk about the Senate.

I am very frustrated with the Senate. We spent a week maneuvering and twisting over parliamentary procedure. Our processes are slowing us down in meeting the day-to-day needs of the American people and the long-range needs of our country.

Our country is at risk. We are fighting a global war against terrorism. Our dollar is worth a box of Kleenex. We need an economic stimulus and an economic recovery package, and we are fooling around on motions to proceed and clotures and backward and forward, and so on. The American people wonder what are we doing. They believe that when all is said and done, more gets said than does get done. And guess what. Put me in the column with the American people.

I am very frustrated with this institution. The rules were designed to make sure the minority party could always be able to express their view. That should happen. But it was not to bottle up progress. It was not to stifle the opportunity to get our economy back on track. It was not to tie up the Senate so we could not help 250,000 vets, 20 million senior citizens, and actually get money in the pocketbooks of people so we can start getting our economy back on the track.

Everyone agrees we need to jumpstart our economy, everyone agrees we need to do it now—everybody but the other side of the aisle who is sitting on their hands and sitting on parliamentary procedure and sitting on you know what. I think it is time they get up, and I call out to the people: Flood our phones, get them off this, and get this economy going.

We know we are being very hard hit. Last month, we lost 17,000 jobs in the

service sector. That was supposed to be job-loss proof. Families all over the country are losing their homes to the subprime crisis. The price of food, gas, and health care is going up.

We voted last night on a parliamentary procedure that would have moved this legislation on the economic stimulus forward. It lost. It lost by one vote. But did it lose on a majority? No. Under the rules of the Senate, we need 60 votes to win a majority or we need 67 votes to win a majority. I thought a majority used to be a majority. Now we find that one vote—one vote—is standing in the way of moving the economic stimulus package.

I say to America: You watch cable TV, you listen to the chattering class, you read the newspapers. You know where that one vote lies. You see those empty chairs over there? One vote lies there. Flood our phones with calls, flood our Internet, flood our fax machines so we can get moving.

Last night what we had was a plan to move the economy forward. It was a well-thought-out plan of tax rebates to help families. We included not only that but 250,000 disabled veterans and 20 million seniors. At the same time, we extended unemployment insurance for an extra 13 weeks because for people who lost their job, it is now taking a longer time to find another job. And we help small business.

Last night, we Democrats voted to stand up for those disabled vets, for those senior citizens, for those people who have lost their jobs to make sure they will have the opportunity to benefit from the stimulus, and as they benefit from the stimulus, because they have such modest incomes, the money they get will go right into the economy. It will not go into paying the bar bill for somebody who has a fifth home in the Hamptons. It will go into the economy.

This bill helps 250,000 disabled vets. They say they did not qualify; they did not have earned income. My God, my God. I have a veterans advisory board. I meet with the disabled vets. Some of them belong to the Purple Heart Association, some come in wheelchairs, some come with canes because they bear the permanent wounds of war.

We always say a grateful nation never forgets, but we forgot them in the stimulus package. We forgot 250,000 of them. If a grateful nation never forgets, let's say we think you earned that. We think you earned that at Iwo Jima. We think you earned it at Normandy and Porkchop Hill and the Mekong Delta. If you have worn the uniform, you have earned it.

Now we want to help 20 million seniors who are left out because they said those Social Security benefits are not earned income. You pay your Social Security based on your wages. I think that is earned income. Every day there are people out there working, or who have worked every day. They have spent their whole lives building our economy, building our Nation, and

they are ready to do it again. All they need right now is to qualify for what they should be entitled to.

People say: Well, there she goes again. You know, BARB has a master's degree in social work. Well, you bet I do. And that social work took me into the neighborhoods and families of our constituents, and as a Senator I often try to think that way. While everybody here likes to talk about the macroeconomics and they take codels to Davos to hang out with the rich and famous, who want to be even more rich and more famous, I worry about the macaroni and cheese issues. And the macaroni and cheese issues that we have to focus on are what is happening in our economy.

But I just don't want to be a bleeding heart—though I am happy to be a bleeding heart. I am happy to be a bleeding heart, but I know that something called Moody's Economy.com—Moody's Economy.com—tells us where we get the most stimulus from the techniques used to do the stimulus, and what do they tell us? They tell us to give it to the people who need it the most—to extend unemployment benefits and to extend other benefits, such as LIHEAP, which helps people with their energy costs.

Now, 41 Republicans blocked this bill. They called it a Christmas tree. They said it was loaded with pet projects. Well, yes, disabled vets are a pet project with me. I stand guilty. Disabled veterans are a pet project with me. Clean up the mess at Walter Reed, clean up the compensation system, and include them in the stimulus package. You bet. But I also resent that. Disabled veterans are not ornaments or decorations, they are heroes, and they are the backbone of our country. So one vote stands between the American people and some help during these tough times.

I thank the eight Republicans who voted with us last night to move the bill forward so we could vote up or down on amendments. We need one more Senator to join us, one more Senator who will stand up for the people, for families, for seniors, for wounded warriors, one more vote against politics as usual. I say over there to those empty chairs: Will one of you come forward and join this very important effort?

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

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

The bill clerk proceeded to call the roll.

Mr. GREGG. 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. GREGG. I wanted to rise briefly to express my concerns at the process as it presently stands here in the Senate. I am tempted to say: Wherefore art thou the stimulus package, because there is no reason there should not be action on it now.

I had some very serious reservations about this whole effort on the stimulus package. I believe very strongly that we need some sort of stimulus to this economy, that the economy is beginning to slow fairly dramatically, but that the present framework of the stimulus packages, as they were agreed to in the House and certainly the Senate Finance Committee, have very distinct flaws. But that does not mean we should not bring the packages up and vote on them. Last night we voted on the Finance package. It did not pass. It did not pass because it added \$44 billion of additional money to an agreement which had already been reached between Speaker PELOSI, Republican Leader BOEHNER, and the administration, a bipartisan agreement which was reached with the tacit approval of the leadership of the Senate, as I understand it.

Although I was not intimately involved in the negotiations, my understanding is the way this proceeded was that the Senate basically said to the House—the Senate leadership in the sense of Senator REID and Senator MCCONNELL said to the administration and the House: You see if you can reach an agreement on this stimulus initiative. And the administration, in good faith, under the leadership of the Secretary of Treasury, negotiated with Speaker of the House PELOSI and with Congressman BOEHNER, and they reached an agreement. It was an agreement that involved very distinct compromises, compromises which basically reflected a classic political process where you basically put on the table your ideas, the other side puts on the table their ideas, then you work to the middle and come up with a concept that both sides can at least be comfortable with, even if they do not accept all of the details.

This package, as we all know, is a \$150 billion package, the majority of which is a rebate, to people who pay taxes, of \$600 to \$1,200, and the balance of which is an incentive, especially to small businesses to go out and invest and as a result create hopefully more jobs and a more efficient economy.

When it got to the Senate, for reasons which I still do not understand, the Senate decided it wanted to assert some prerogative here, even though the Senate leadership had said: Let the House leadership and the administration do the basic negotiations. We got a package out of the Finance Committee which took a \$450 billion package and increased it by \$44 billion.

A lot of that package was basically baggage being thrown on a train leaving the station. It had clearly nothing to do with stimulating the economy over the short run. There were tax benefits for the coal industry, tax benefits for the wind industry; there were a whole variety of things that had nothing at all to do with stimulus. They simply were there due to the fact that certain groups around here had enough influence to be able to put their baggage on this train.

What we have to remember is every dollar that is being spent on the stimulus package is being borrowed from our children and our children's children, because we do not have a surplus now. We do not have money to rebate. I mean "rebate" is the wrong term. This is basically money being borrowed from our children being paid to us, people who are working today or people who are paying taxes today under the House package.

Then on the Senate package, it is another \$44 billion of money being borrowed from our children and our children's children to be sent out the door today, for the purposes of different interest groups who have put their points forward.

The majority leader said we would take the Senate package or we take no package, which makes no sense at all. The House package was a bipartisan, negotiated package, which had the Speaker of the House, who nobody can accuse of being a conservative—she comes from San Francisco. I do not think she is a conservative—the Speaker of the House, and the majority leader, the Republican leader of the House, Mr. BOEHNER, whom nobody can accuse of being a liberal, comes from someplace in Ohio, but he has quite a track record around here, Mr. BOEHNER, of being a conservative of note.

They reached an agreement. It was not as though it was the Republicans saying, "This is the package," or Democrats saying, "This is the package." It was an agreement.

So when it came over here, yes, there might have been adjustments that needed to be made, but to add \$44 billion to it and say: Take that \$44 billion addition or leave it, makes no sense at all in the context of reaching some agreement quickly and moving it out the door.

In fact, Senator MCCONNELL, I think, had the best idea. He said: Let's take the House package and add three things to it, three things that there seems to be consensus on around here: One was to make sure that seniors got a rebate so they could also participate in the stimulus initiative; two was to make sure that disabled veterans got a rebate so they could participate; and, three, to correct the technical error in the bill relative to illegal immigrants.

So Senator MCCONNELL said: Let's do those three things; add them to the House package, send it to back to the House, the House has agreed to approve that, we will send it to the President, and we will be done quickly, which is the whole purpose here.

I am not arguing for the stimulus package. We know a stimulus of this nature, which is pure Keynesian economics, where you take money and you throw it at the economy without any sort of discretion on how the money is going to be used in order to produce long-term productive forces in the economy, which is simply saying to consumers: Here is the money, go out and spend it, hopefully that will raise

the economy—we know under classic Keynesian approaches, which is what this stimulus package is, that the essence of that is to get it out the door, get those dollars into the consumers' hands quickly. So every day, every week of delay only aggravates the relative effectiveness of this stimulus exercise.

We also know that because of the way our Internal Revenue Service is structured, the earliest they are going to be able to get these rebate checks out the door, if we were to act today, this week, would probably be May, middle of May; more likely that they are going to get out in June and, according to the economists who testify around here and give us our counsel—for example, Dr. Orszag, head of the CBO, said that the impact of those dollars going out the door, those \$600 or \$1,200 rebates under the House bill will not be felt probably until the late third quarter of this year.

That is the fast track. Who knows what the late third quarter of this year will bring. I hope it will bring some turnaround in the economy. And certainly with monetary policy being changed in this country, where you are seeing significant reductions in the interest rates by the Fed, it is very likely we will see some uptick in our economy as we head into the third and fourth quarter of this year. I certainly hope that will occur; that the housing industry which has created this problem, as a result of having a housing bubble, will have begun to work its way through.

But in any event, we know that to delay this further, so we push these stimulus events, such as giving people \$600 to go out and spend, farther and farther into the year, potentially into the Christmas season or into next year, is not going to address the underlying problem, which is the next two to three quarters, which look as if they are going to be extremely soft, potentially extraordinarily soft relative to economic activity.

So action should be taken now. What has been suggested here to accomplish action—it is a very reasonable suggestion—is to take the House package, which was negotiated between the Speaker of the House, the Republican leader in the House, and Secretary Paulson, add to it the two or three things which there is consensus on over here, which is the payment to seniors, payment to veterans, and correcting the illegal immigration language, and passing it, and then move forward.

If you accept this concept that we should do this sort of Keynesian stimulus event, that is what we should do. I must, as a matter of disclosure, say I have serious reservations about not only—I think the Senate package is terribly irresponsible, because it adds \$44 billion to an agreed-to bipartisan agreement, but I also have problems with the underlying package. Because, for me, I believe we do need to stimulate the economy, but I think we need

to focus the dollars on the problem, and the problem is the credit lockdown that is occurring generally in the economy but that is specifically being driven by the housing market problems. We know that for the last few years there has been an expansion in lending in the housing arena which was not supported by the underlying collateral or by the ability of people who were getting these loans to pay those loans under the terms of those loans. These were called subprime loans.

What happened was people were attracted into buying a house, which had been built on speculation, and they were attracted in on an interest rate on the mortgage on that house which was very low, with the understanding that 2 or 3 years later that mortgage rate would jump fairly considerably.

Well, unfortunately in many instances what happened here was, we built a lot of housing stock that could not be purchased, or if it was purchased, it was being purchased at costs which were below the real value of production, and on top of that, we were saying to people who did not have the incomes necessary to support the higher interest rate which was going to hit them in 2 or 3 years, the 2 or 3 years being now: You take the loan, we will worry about that later.

Well, the "later" is today. The bubble is bursting. People are being put under extreme stress because many people who bought these homes cannot afford the increase on what is known as their ARM, their adjustable rate mortgage.

It is severe. In parts of this country it is extremely severe—in Florida, Arizona, California. What is happening is you see a classic bubble where as the housing market starts to contract, lending generally starts to contract. Lenders who have these housing loans on their books, or who have sold these housing loans and cannot figure out how to get out of their contracts, are now trying to figure out how to get their books in order, to rebuild their capital and restructure themselves.

As a result, good loans in other areas that are being repaid are starting to be chilled, as is new lending. Consequently, the entire economy starts to lock up because it is hard to get loans for anything, especially in distressed housing areas. The people who have these loans and live in these homes are finding themselves under the pressure of foreclosure. In many instances, these people are hard-working Americans who can pay a reasonable rate, but because the adjustment is not reasonable—it is very high under ARM agreements—they are not able to meet the obligations of the mortgage. So we should be focusing our efforts on that part of the economy.

I congratulate the Secretary of the Treasury because he has tried to do that both through jawboning, the lending community, and by setting up the new HOPE proposal which has put a big chunk of money out there, over \$100

billion, the purpose of which is to help people restructure those loans so that people who can make their payments under the original loan agreement or something near to the original loan agreement, because they have good jobs and they can make their interest payments, aren't forced out of their homes as a result of a jump in their mortgage rate. Progress is being made there. Over 370,000 people have been helped.

But the problem is so large that that is not necessarily going to stabilize the market and free up the lending machines in America. So additional things should be done. For example, Senator ISAKSON of Georgia has suggested we have a one-time focused tax credit given to people who buy one of these homes in the inventory within the next year and that the home has been produced during this period of excess production and allow that to incentivize people to go back in the market and start to get this market going again. That is what we need to do.

There are other ideas. The expansion of the FHA is an idea which—I don't quite understand why we haven't seen that bill come back to the Senate. It is in conference. It should be done soon. Increasing the lending limits on Freddie Mac and Fannie Mae is a dangerous step unless it is coupled with reforms necessary to make sure Freddie Mac and Fannie Mae have the underlying capital to support an expansion, but it is certainly something that should be considered. There are initiatives that could be focused much more in a targeted way and would actually do something to correct the problem and would, in the long and short run, from my viewpoint, have a much better effect on the economy.

In addition, if we are going to try to stimulate the economy through classic Keynesian activity, I am not too excited about that, but we ought to put it on the productive side so we actually create a more efficient economy that is more productive and, therefore, capable of producing more jobs as we move into the future. Our problem may be that we don't have enough jobs as we move into the future. The way you get around that is to create an attitude in the marketplace so people are willing to go out and invest, take risks, be entrepreneurs, and create more jobs. There are ways to do that other than just giving people \$600 to go out and spend arbitrarily, which they may spend on a product that is not even manufactured in the United States, in which case there has been no stimulus to the economy. If somebody buys a TV made in China with their \$600, that has no stimulus effect on our economy because the dollars end up in China.

It is important to understand that all this money comes from our children. We don't have a surplus to fund this stimulus package. Therefore, when we do stimulate, we need to do it in a much more focused way which is going to strengthen our economy and is

going to address the underlying problem of the credit lockup which has been fed by the housing bubble. I hope we will take that up first. But, obviously, we will not take that approach. There is a significant majority that is going to support a stimulus package which is Keynesian based. So be it. But if we are going to do it, let's do it in the way which causes the least harm. The way to do that is to get it out the door quickly, have it be the package which essentially left the House, and not have the Senate throw in another \$44 billion which we have to borrow from our children on top.

Those are my concerns. I appreciate the courtesy of the Chair.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

Mr. MENENDEZ. Mr. President, I understand morning business has ended.

The PRESIDING OFFICER. It is about to close.

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#### EXTENSION OF MORNING BUSINESS

Mr. MENENDEZ. I ask unanimous consent that the period for morning business be extended until 12:30 p.m., with Senators permitted to speak for up to 10 minutes each.

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

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#### ORDER FOR RECESS

Mr. MENENDEZ. I further ask unanimous consent that the Senate stand in recess from 12:30 to 1:15 p.m.

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

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#### STIMULUS PACKAGE

Mr. MENENDEZ. Mr. President, our Nation needs to take a critical step to move our economy forward. We had a chance last night to make that happen. We had a chance in the Senate to make that happen. We had a chance to pass a package that would provide relief to more Americans, would put rebates in the hands of more taxpayers, would give checks to more than 20 million seniors who were not in the House bill, would have taken the opportunity to put money in the hands of 250,000 disabled veterans, would extend unemployment benefits for those who are looking to find work but cannot in this economy and who are on the verge of finding themselves without unemployment compensation benefits, and would provide important relief for businesses suffering and help those most in need with the cost of heating their homes this winter.

Enough to stop the process, many of our Republican colleagues bucked that opportunity. They said they wanted to deliver relief as quickly as possible, but when they had the chance to provide that relief to the most Americans, far more than the House bill, they said no.

I listen to our colleagues and I ask myself: What is it that says so many in our country—seniors on fixed incomes with increasing demands in their fuel and heating costs, those who still own their homes or those who pay utility bills, rising prescription costs, so many different elements of their lives, and they have fixed incomes, they have worked a lifetime and find themselves with challenges they cannot meet economically—why do those 20 million not deserve to be part of a stimulus package, especially when they will put that money right back into the economy quickly, which is the whole purpose of a stimulus in the first place? If we can have a stimulus that also helps a broad section of our universe, those who have worked hard, played by the rules, helped build families and communities and now find themselves struggling, why wouldn't we do that?

Why wouldn't we take care of disabled veterans and have them be part of helping meet their challenges? They have served their Nation with honor and dignity and now find themselves challenged. Why wouldn't we have them be part of a solution that also helps to stimulate the economy?

For all this talk about quickness, it is also quickness in the ability to make this happen in a way that will have a real impact on our economy but a real impact, also, in the lives of Americans who are struggling. Far too many Americans have already suffered at the hands of an economy that is sliding backward. Far too many have seen their homes taken away from them on the brink of foreclosure. Far too many have been in search of work or have been waiting in vain for their paychecks to increase.

For those who have not yet felt the effects of an economy that is sputtering, they fear and worry, wondering when they will feel the squeeze. That worry is understandable. The signs are less than good.

Last Friday, we learned that 17,000 jobs were lost in January alone—the first monthly loss of jobs in more than 4 years. Growth slowed to a near halt at the end of last year, coming in under 1 percent. We saw the biggest increase in unemployment rates since after September 11.

We all overwhelmingly agree on the need to take action to stimulate our economy, and fast. It is wonderful to have come to that type of consensus on the need. What we need is a genuine spirit of bipartisanship in the Senate to bring us forward to conclusion. We had that opportunity yesterday.

Certainly, what the House did is a solid start. It would largely achieve what we would hope to see in a stimulus plan. But, as with many first attempts, there are clearly some significant holes. The House plan would get us almost but not quite where we should be. This was our chance—hopefully, we will revisit it—to get it right. We are not talking about adding a load of new provisions, as some are imply-

ing. We are talking about making sensible changes to make sure we will have the most benefit for those most in need, and at the same time, because we are providing a benefit for those who are most in need, we are helping achieve the goal we want: stimulating the economy in a way that we will either avoid a recession—although certainly Wall Street is telling us they are convinced there is a recession—or at least narrow the time, the scope, and the impact of a recession.

The value of any plan we consider should be based on one simple benchmark: the number of people we can reach and how effectively we can put needed dollars into the economy. Based on that benchmark, the Senate clearly has a better plan. The economic stimulus package we have before us is a plan the Senate and the country can get behind. It will get money into the hands of people who have basic needs to cover, people who will spend it immediately. That is the first goal of a stimulus.

Our plan puts rebates in the hands of 20 million seniors. It may not have been intentional, but the fact is, the House plan leaves out millions of seniors who are low income, whose primary source of income is Social Security. In my State of New Jersey, more than 1 million seniors are eligible for a rebate under the Senate plan. Under the House bill, they would not receive a dime. If we think there is no economic link to including seniors, the fact is, seniors spend much more of their income than any other age group. People over the age of 65 are responsible for a full 14 percent of all consumer spending.

The bottom line is, a true stimulus package would help those who spend the most and are most in need. The Senate plan does just that.

The Senate plan also reaches another group that is excluded from the House bill—disabled veterans. Under our plan, we ensure that a quarter million disabled veterans who would not otherwise receive a rebate will get a check. When those veterans went to war, they never forgot whom they were fighting for, and we cannot forget them now.

In several ways, the Senate plan puts resources toward where economists agree they are most effective—extending unemployment benefits. It isn't just common sense, because it helps those who are suffering most. That is, of course, common sense, but it also gets the best bang for the buck in economic terms. For every dollar we invest in extending unemployment benefits, we generate \$1.64 in economic activity.

This universe is known. They are out there. They are facing an immediate challenge. They will have the resources in their hands much quicker than formulating a rebate check. It is another reason—timeliness. Despite broad consensus that such a stimulus plan must include additional benefits for those who have been out of work for an ex-

tended period of time, such benefits are absent from the House bill.

There is no question unemployed workers are facing tough times. Long-term unemployment is far higher than usual and nearly twice what it was when we were facing our last recession in the year 2001.

In New Jersey, more than 66,000 workers will be exhausting their unemployment benefits by June of this year, joining more than a million workers nationwide facing long-term unemployment.

Last week, almost 70,000 new workers filed for unemployment benefits—the highest level since Hurricane Katrina.

The need to address the economic hardships facing unemployed workers is real. We have seen in the past that unemployment benefits have stimulated the economy in times of hardship, and they should be part of this plan this time around.

The Senate plan also includes important extensions of tax credits for energy efficiency and the production of alternative energy, including solar energy. Credits such as these help consumers purchase new appliances and greener sources of energy for their home. We also extend the solar energy credit, which helps drive the purchase of solar panels. In New Jersey, which is only second to California in the number of solar installations, this has an enormous impact. This provision could save more than 40,000 jobs, at a time when we see increasing job losses, and it can do something to help stimulate the economy by the purchase of these products immediately—so save jobs, purchase products, make the investments and, at the same time, stem the tide of the movement toward greater unemployment that we see in the country.

Finally, our plan provides needed relief to industries that are hurting and may have to lay off employees in the coming months. I am pleased this package takes into account the unique challenges facing the housing industry right now. We all know this is a sector of our economy that is under incredible strains right now. The Senate plan would ensure they are able to spread out their losses so hopefully we can stop some of the bleeding in the housing sector and, in the process, prevent thousands from losing their jobs.

This stimulus package we have before us is not perfect. Some of us would have liked to have included increased Medicaid payments to States, which would have provided a needed boost to States struggling to provide health care. But the fact is, if we only pass the House version, we would be falling far short.

All of what I have talked about—20 million seniors, a quarter million disabled veterans, the essence of how the provisions on the housing components were included, the whole question of the universe of the unemployed seeking to get a job, not being able to find it, and not having the resources to sustain

themselves and their families—all of that would not be in the plan. All of that would not be in the plan.

We can do this. Of course, that is in addition to the rebates for both single people and married couples and married couples who have children who are already a part of our package as well, building upon the House proposals.

So let's pass a package that has the widest possible impact. Let's pass a package that does not leave out 20 million seniors, that takes care of a quarter million disabled veterans, and provides rebates to as many Americans as possible.

That is acting wisely, and it can be done quickly. We need our colleagues to join with us in the sense of urgency that exists, and to say to those 20 million seniors, those quarter of a million veterans, the millions who are unemployed: We stand with you as fellow Americans in this time of need in turning our economy around for all of us.

That was the choice we had yesterday. I hope we will have that choice again. I hope the hearts of some will be softened in this process and that they will cast a vote to move in a much different direction.

With that, Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

#### WIRED FOR HEALTH CARE QUALITY ACT

Mr. WHITEHOUSE. Mr. President, today I rise to speak for a few moments about health care and to recognize the extraordinary work four Members of this body have done to promote an integrated, interoperable health information technology infrastructure in this country. Senators KENNEDY and ENZI on the HELP Committee, Senator HILLARY CLINTON, and Senator HATCH, along with their talented staffs, have balanced a tremendous number of interests to put forward a very promising first step in our long journey toward reforming our ailing health care system. I commend their tremendous effort in drafting the Wired Act. I look forward to working to see strong health information technology legislation passed in the Senate, in the House, and signed into law by the President.

Adoption of health information technology is a vital part of saving lives and lowering costs in our health care system. The RAND Corporation estimates, in its most conservative estimation, that a national, interoperable HIT system could save \$81 billion per year. As Senators KENNEDY, ENZI, CLINTON, and HATCH are so aware, America's health care information infrastructure is decades behind where it should be. We are losing billions and billions of dollars—I sound like Carl Sagan: billions and billions of stars—billions and billions of dollars to waste, inefficiency, and poor quality care as a result of that failure. Ultimately, and most tragically, lives are lost to pre-

ventable medical errors because health care providers do not have adequate decision support for their determinations on medical treatment, medication, and so forth.

I am an enthusiastic supporter of health IT as one mechanism of fixing our broken health care system. In fact, one of the first bills I introduced as a Senator was the National Health Information Technology and Privacy Advancement Act, in which I proposed a national not-for-profit entity with Presidential appointment subject to advice and consent of the Senate, possessing rulemaking power to set national standards under the Administrative Procedures Act, and with the ability to set licensing and access fees to raise capital for necessary investments outside the Federal budget process.

I still believe that is the best and most effective kind of authority. I also recognize there are many good ideas out there. But time is short. We cannot snap our fingers and be an IT-enabled health care environment. Development, testing, buildout, and adoption will all take time. We do not have much time. A tsunami of health care costs is sweeping down on us, inevitably, as baby boomers age and costs increase.

The Comptroller General of the United States has warned us of what he called “unprecedented stormy seas ahead that threaten to swamp the ship of state.” He testified that “we've never seen anything like what we're headed into”—never in our history. Our present Federal health care liability, if nothing changes, is \$34 trillion. That is a “34” with 12 zeros behind it. It comprises the bulk of the \$53 trillion in Federal liabilities we are presently obliged to pay in coming years. Now—now—is the time to get started in humane ways to avert this fiscal crisis. Health IT is a baseline platform necessary to even try to respond humanely to the looming crisis.

Unfortunately, in moving toward our ultimate objective, we must realize that health IT adoption alone will not stop the tidal wave of health care costs. As I think we all know, our health care system is broken in more ways than one. Look at the signs of its failure.

The number of uninsured Americans is climbing and will soon hit 50 million. Despite the best doctors, the best nurses, the best equipment and procedures, and the best medical education in the world, as many as 100,000 Americans are killed every year by unnecessary and avoidable medical errors. Life expectancy, obesity rates, and infant mortality rates are a cause for national embarrassment compared to other industrialized nations. The annual cost of the system exceeds \$2 trillion, and is expected soon to double.

We spend more of our country's GDP on health care than any other industrialized country: 16 percent—double the average of the European Union. More American families are bankrupted by

health care costs than any other cause. There is more health care than steel in Ford cars. There is more health care than coffee beans in Starbucks coffee.

Hospitals are broke. Doctors are furious. Paperwork is choking the system. This system is crying out for reform.

I believe that comprehensive restructuring of our health care system must rapidly address three critical issues. As I have already said, the first is the development of a national, interoperable, secure health information technology infrastructure. But there are two other equally important issues: One, the American health care system must invest properly in quality and prevention, promising areas where better care actually lowers cost; and, two, the way we pay for all this, the way we pay for health care, sends perverse price signals that drive market behavior away from the public interest, that drive behavior away from what we want.

So these are the three critical issues at the core of the health care crisis in this country—inadequate health information technology, inadequate attention to quality and prevention, and a perverse price signal system.

Let us look first at how improved quality of care can lower cost. That intersection of where improved quality of care and lower cost intersect should be our national holy grail in health care. The Keystone Project in Michigan shows how effective this can be. It went into a significant number of Michigan ICUs—not all of them but a significant number—to improve quality and reduce, for instance, line infections and respiratory complications. Between March 2004 and June 2005, the project saved 1,578 lives—in just that year and 2 months. It saved 81,000-plus patient days that otherwise would have been spent in the hospital, saving over \$156 million. It is a win-win.

The Rhode Island Quality Institute in my State took this model statewide, with every hospital participating, and we are already seeing the number of hospital-acquired infections declining, and the costs declining as well. The same principles can be applied to prevention, as well as to quality improvement.

Local efforts around the country, such as the Rhode Island Quality Institute, Washington State's Puget Sound Health Care Alliance, and Utah's Health Information Network, are leading the way. We need, as a nation, to get behind these State and local efforts. As many Members of the Chamber know, any good business needs to do research and development and these local efforts are the R&D on which we can base reform of our broken health care system.

All across America, in local communities, where people know and trust each other, the reforms of our system are being dreamed, negotiated, tested, and implemented. We need to nourish this effort, and I thank my 15 bipartisan cosponsors for supporting a small grant program I proposed to do just that.

Now, consider why this quality reform is not happening spontaneously all over the country if those big savings are there waiting to be tapped. Think of Michigan: In 15 months, in one State, with not even all of the intensive care units participating, \$156 million was saved. A report out of Pennsylvania showed they spent over \$2 billion a year on hospital-acquired infections.

Why is quality reform not happening everywhere? Well, primarily because the economics of health care punish you if you try. For example, a group of hospitals in Utah began following guidelines of the American Thoracic Society for treating community-acquired pneumonia. Significant complications fell from 15.3 percent to 11.6 percent. Inpatient mortality—a nice way of saying fewer people died—fell from 7.2 percent to 5.3 percent, and the resulting cost savings exceeded \$500,000 per year.

Sounds like another success story. But the net operating income of the facilities participating dropped by over \$200,000 a year because the treatment that resulted in the healthier patients was reimbursed at \$12,000 per case less.

In Rhode Island, we saw the same thing. When we started the ICU reform, I talked to the Hospital Association of Rhode Island, and they estimated a \$400,000 cost per intensive care unit, but as much as \$8 million in savings—a 20-to-1 payback. I said: Why not go for this? They said: You don't understand. All the savings go to the insurers. For us, this is \$400,000 cash out of our pockets, and potentially \$8 million out of our top line in revenues.

Name a business that will sensibly invest \$400,000 out of its cash to lose \$8 million in revenues. With reimbursement incentives like those, it is no wonder reform is such an uphill struggle.

We are at such a primitive stage in developing cost-saving, quality measures, and the economics work against us, so we have to tackle this now. An idea that will get us started: In my Improved Medical Incentive Act, I propose that State medical societies and specialty groups be allowed to present "best practices" to their local State health departments. If they do, and a Health Department determines this is a best practice that will save money and save lives, then two consequences follow. CMS would be obliged to create a pricing differential favoring those best practices, and private insurers would be forbidden to deny claims for services consistent with the approved best practices. If people want to object, fine. Go to the hearing. Let's do this in a regular fashion.

The determination of what gets paid for in our health care system right now is made in back rooms of the claims denial operations of insurance companies in scattered fashion, largely without oversight or review and laboring under heavy conflict of interest. If we move that determination toward proper for-

mal hearings, we can expand statewide best practices in a way that the economics will support.

Our health care problem is serious, it is vast, and it is looming. Health care IT is a crucial instrument in the health care reform toolbox, but it is not an end in itself. To fully realize its benefits, it must be coupled with a focus on quality improvement and a realignment of payment incentives. These three elements must move forward together.

Let me emphasize in conclusion as energetically as I can: The time is now. Time is wasting now. The need is urgent. It may not feel like it, but solving this problem with system reforms such as this will take several years. If we don't start now, when the fiscal tsunami hits, we will be left with only fiscal solutions to the problem. It is immediate ones but unpleasant ones, including massive tax hikes or massive benefit cuts. If we are standing here, and if I am standing here 5 or 10 years from now having that tragic choice in front of me, well, shame on us if in our folly, in our improvidence, we were too intellectually lazy and too bereft of basic foresight to have taken the steps now that could have averted that sickening choice.

As my colleagues know, we are seeing the beginnings of this debate now. The Bush administration has squandered its opportunity for meaningful health information technology reform, has squandered its opportunity for meaningful quality reform, and has squandered its opportunity for meaningful reimbursement design reform. Now, in the 2009 budget the President presented, he is proposing deep cuts in Medicare. We have to get ahead of this problem. This is a wake-up call. The time is now.

I look forward to working with my colleagues on both sides of the aisle to get this important work done.

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

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

#### RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 1:15 p.m.

Thereupon, the Senate, at 12:30 p.m., recessed until 1:17 p.m., when called to order by the Presiding Officer (Mrs. MCCASKILL).

#### MORNING BUSINESS

Mr. REID. Madam President, I ask unanimous consent that there be a period of morning business until 2 p.m., with Senators permitted to speak for up to 10 minutes each.

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

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

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

#### CELEBRATING BOY SCOUT DAY

Mr. BROWN. Madam President, 98 years ago today, William Dickson Boyce created one of this country's longest standing and most important community organizations—the Boy Scouts of America. Today, we join Scouting groups across the country and Ohio—Toledo and Cincinnati, Chillicothe and Lakewood—in celebrating Boy Scout Day.

The Boy Scouts of America has a rich tradition of teaching valuable skills to the young men of this country. The values which Scouting instills—fairness, honor, courage, and respect for others—prepare young men to serve their families and their Nation.

There are more than 3 million boys in the Scouting program, and in the past year alone Scouts have earned nearly 2 million merit badges and completed more than 33 million hours of community service.

As an Eagle Scout, I recognize the hard work involved in Scouting and commend the dedication and commitment of Boy Scouts and the Scouting movement across our country. The journey to Eagle is sometimes difficult, often fun, occasionally disappointing, and always rewarding. My time as a Boy Scout, in the end, provided me with opportunities to develop leadership and organizational skills, helped me to clarify and articulate my guiding principles, and instilled a commitment to public service.

The emphasis on community service I learned with Troop 110 in Mansfield, OH, has strongly influenced my lifelong commitment to public service. The memories and lessons of Camp Avery Hand and Philmont Scout Ranch, of success and failure in earning merit badges, will always remain with me.

The Scout Law is a framework that continues to inspire my work to this day:

A Scout is Trustworthy, Loyal, Helpful, Friendly, Courteous, Kind, Obedient, Cheerful, Thrifty, Brave, Clean, and Reverent.

I am a proud supporter of the Boy Scouts of America. I hope my colleagues will join me in celebrating Boy Scout Day.

#### TRADE POLICY

Mr. BROWN. Madam President, the United States should not be playing

Russian roulette with our Nation's economy and our Nation's future. We need to craft trade policies that deliver the long-term results we need, not just the short-term profits which a few multinational corporations want and which those multinational corporations incessantly lobby this institution to get.

In his State of the Union Address, the President advocated signing more free-trade deals. Given where past trade deals have led this country, the President's dogged pursuit of outdated trade deals would be perplexing if it weren't simply more of the same and par for the course. When it comes to trade, it is often the case that ideology trumps outcomes, and it is always the case that special interests trump American interests. Looking at where our Nation is headed, advocating common sense is a luxury we can no longer afford. We need to confront the problems our lax trade policies have engendered, and we need to do it now.

We are running a huge trade deficit. When I was elected to the House of Representatives in 1992, our trade deficit was \$38 billion. In 2007, it exceeded \$800 billion. The first President Bush said that a billion-dollar trade deficit translated into 13,000 jobs. Do the math and see what damage these trade deficits—from \$38 billion a decade and a half ago to over \$800 billion today—have caused us. We are bleeding jobs, and we are letting dangerous products cross our borders and land in the hands of our families and children.

When we write trade deals that favor gains for multinational corporations over evenhanded competition for both trading partners, we shouldn't be surprised when U.S.-based companies are crippled. Our current trade policy betrays our Nation's middle class, it cripples America's small business—especially manufacturing—and it destroys communities across the country.

I was recently in Tiffin, OH—a community of about 20,000 people about an hour from Toledo in northwest Ohio—talking with workers from American Standard. American Standard is a company that makes plumbing fixtures and that most Americans are familiar with. These workers' jobs have recently gone to Mexico and China. A venture capitalist—in this case, Bain Capital out of Boston, MA—came in and bought the company, shut it down, and moved the production overseas. Many workers lost much of their pension and their health care that they had worked for decade after decade. Many of these workers are in their fifties and won't be able to find jobs in Tiffin that pay anything close to the money they had earned. Many of them lost their pensions, their health care, while enriching Bain Capital to the tune of tens of millions of dollars.

These are not trivial matters. These are workers in Ohio and across the country, workers who are often in small towns and don't have the option of finding comparable jobs anyplace

nearby to support their families and ultimately to benefit from the pension and the health care they have earned—they have earned.

Free trade is a dangerous myth—a false idol. Trade has never been free. Even the most basic of barter systems have been guided by rules. Today's free-trade agreements are ripe with rules, rules that are clearly producing the wrong results for our Nation—deficits, job loss, dangerous imports, and compromised manufacturing capabilities.

Again, there are rules. The North American Free Trade Agreement was sold to us a decade and a half ago simply by saying this will reduce tariffs and open markets in Mexico and in Canada for U.S. goods. But it was 2,000 pages. So it wasn't simply a free-trade agreement; it was a trade agreement replete with rules that supported and helped those special interests—special interest investors and companies that wanted to privatize, that wanted to outsource, that wanted to use these rules to make more money for the companies at the expense of workers in Mexico, in Canada, and in Gallipolis, Portsmouth, and Cleveland, OH.

I am proud to join with Senator DORGAN of North Dakota, who has been a leader on trade policy. He even wrote a book called "Take This Job and Ship It" about trade and is proposing that we take a far more pragmatic approach to U.S. trade policy, one based on achieving positive results and on accountability. Thanks to his leadership, we have legislation that would focus trade policy away from the blind adherence to outdated trade agreements and toward policies that increase U.S. trade, that bolster U.S. jobs, that lift our communities, and that will reinforce U.S. manufacturing in the days and years ahead, and toward a trade policy that builds our Nation's middle class.

His bill establishes concrete benchmarks for trade bills. It is a common-sense idea, a prescription for U.S. success in a global trade arena that will help us bring back the manufacturing base in this country. We should pass this bill and also take immediate steps to address the dysfunction that has infiltrated virtually every aspect of our trade relationship with China.

China is manipulating its currency, it is low-balling the price of its exports through Government subsidies, it is sending our Nation dangerous toys and contaminated food, it is generating unheard of levels of pollution, and the list goes on and on.

Last month, New Page, a paper manufacturing company based in Miamisburg, a town in southwest Ohio, announced it was shutting down plants in Wisconsin, in Maine, and in my State of Ohio, in the city of Chillicothe, once the State capital.

Heavily Government-subsidized Chinese paper producers account for 50 percent of the world's market. Fifty percent of the world's paper producing

is in China and is heavily Government subsidized in China. It has meant the loss of jobs in places such as Chillicothe and Dayton and all over my State and this country. It is not free trade. The Chinese have benefited. And when I say the Chinese, I don't mean Chinese workers, I mean the Communist Party of China, the Government, the People's Liberation Army, and too often U.S. investors who are so often complicit with the Communist Party and the People's Liberation Army and the Chinese Government. Think about that. It is not free trade with China; it is a wreck.

These factors, in addition to low wages, in addition to unsafe working conditions, and the absence of worker rights have contributed to the loss of millions of manufacturing jobs and our country's reliance on imports.

What does that mean for the future? When I look around this Chamber, I see seven young pages, high school students who work here—and several on the other side, too, whom I can't see; I apologize—and I think about what their world is going to look like in 20 years. Are we going to look back and say: Why did we give away our country? Why did we sacrifice our national security and our economic security and outsource all these jobs and outsource all this wealth and watch a middle class decline? Is that what we are going to look back on in 20 years and say? Why did we let this happen? How did we let this happen?

Madam President, restoring sanity to our trade relationship with China should be an immediate, No. 1 domestic and international priority for this Nation.

Last week I was joined by seven freshmen colleagues affirming that our trade policy should focus on China; that is, our trade priority. We need to imagine 20 years from now, as I said, what is manufacturing in our country going to look like? This country's wealth—much of it—has been dependent on manufacturing, on making everything from newsprint to airplanes, being able to manufacture and create wealth in small towns and large cities alike.

Instead of littering our Nation's path with more flawed trade agreements, we should say: Time out. No more trade agreements. Look back, establish this commission we have discussed that will look at both parties, both houses, look back at what our trade policy—what NAFTA, what CAFTA, PNTR with China, what our other bilateral smaller trade agreements have done, what they have done to our country, what have they done for our country, make that analysis and then fix those trade agreements and move forward.

It is not in the Nation's best interests to rely on other nations for our defense infrastructure, for our transportation infrastructure, for our industrial infrastructure, for creating the wealth in our communities that manufacturing does. In this country, we do

the best research and development in the world. Yet multinational corporations often take that research and development and do the production in other countries.

Sure, there are great jobs in research and development. It is good for our country. We should continue to give tax incentives for that research and development, but it is more than that. It is also what do you do afterwards, in commercializing, in producing and manufacturing those products the research and development has generated? That is the larger number of jobs, that is the greater part of the wealth creation, that is what is essential to providing the goods and services in our communities for police and fire and education and all of what that means.

We cannot simply continue to do the R&D and then farm out the production to exploit low-wage workers, exploit the consumer product and food safety net. Because that is what happens. When this research and development is done in the United States, and the production is moved to China, it is moved there to exploit low-wage labor, and it is moved there as a way, frankly, in many cases, or at least it becomes that, that we end up with inferior, less safe, less high-quality products back into our country.

We need to take responsibility for the consequences of our inaction when it comes to trade policy and take responsibility for the mistake we have made in formulating trade policy. We need to do it now.

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

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

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mrs. McCASKILL). Without objection, it is so ordered.

#### RECOVERY REBATES AND ECONOMIC STIMULUS FOR THE AMERICAN PEOPLE ACT OF 2008

Mr. REID. Madam President, I ask unanimous consent that the Senate now resume consideration of H.R. 5140 and that the pending motion and all amendments be withdrawn; that the amendment, which is at the desk, be the only amendment in order; that there be 20 minutes of debate with respect to the amendment, with the time equally divided and controlled between the leaders or their designees; that upon the use or yielding back of that time, the Senate proceed to vote on the amendment; that upon disposition of the amendment, the bill, as amended, if amended, be read a third time, and without further intervening action or debate, the Senate proceed to vote on passage of the bill.

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

Mr. REID. Madam President, let me mention, it is a bipartisan amendment—Reid-Baucus-Grassley-McConnell-Stevens.

The PRESIDING OFFICER. The Senate will resume consideration of H.R. 5140, which the clerk will report.

The bill clerk read as follows:

A bill (S. 5140) to provide economic stimulus through recovery rebates to individuals, incentives for business investment, and an increase in conforming and FHA loan limits.

#### AMENDMENT NO. 4010

(Purpose: To revise the eligibility criteria for the 2008 recovery rebates for individuals.)

The PRESIDING OFFICER. The clerk will report the amendment.

The bill clerk read as follows:

The Senator from Nevada [Mr. REID], for himself, Mr. MCCONNELL, Mr. BAUCUS, Mr. GRASSLEY, and Mr. STEVENS, proposes an amendment numbered 4010.

Mr. REID. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

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

Mr. REID. Madam President, I ask that the vote occur at a time to be determined. We will decide what time the vote will occur because there are people who are not ready to vote right now. They are wandering around town.

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

The minority leader.

Mr. MCCONNELL. Madam President, I ask unanimous consent that in addition to myself, Senator REID, Senator BAUCUS, and Senator GRASSLEY, Senator STEVENS be added as an original sponsor of the amendment.

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

The Democratic leader.

Mr. REID. Madam President, a key provision in the Senate Finance Committee package was an extension of unemployment benefits. This is one of the most effective ways to stimulate the company. These benefits can be distributed quickly, and they are likely to be spent.

This is not a matter of ideology; it is matter of economics. And a broad range of economists agrees with this. Even Alan Greenspan, hardly a liberal Democrat, has testified in favor of expanding unemployment benefits during periods of economic slowdown. Expanding unemployment benefits works, and this is a matter of basic compassion.

The long-term unemployed are among those Americans with the most pressing needs. Unfortunately, there are well over a million Americans who are expected to exhaust their regular unemployment benefits between January and June of this year. They need our help. If we extend the same assistance to them that we have to the long-term unemployed in the past, our entire economy will benefit.

So I ask unanimous consent that, notwithstanding the previous unanimous consent agreement, the unem-

ployment insurance provision of the Senate Finance Committee package be added as an amendment to the bill currently before the Senate.

The PRESIDING OFFICER. Is there objection?

Mr. GREGG. Madam President, reserving the right to object, I simply note that when unemployment exceeds a certain level, there is reason to extend it, but this Nation's unemployment now is under 5 percent which is deemed to be full employment. There is no trigger attached to this proposal.

In a State such as New Hampshire where unemployment is at 3.6 percent, an extension might have an opposite effect. Rather than stimulating the economy, it might undermine the ability to create more productivity. So I object.

The PRESIDING OFFICER. Objection is heard.

Mr. REID. Madam President, the State of Nevada is 5 percent, as is Michigan and a number of other States. It would not apply to every State but some States. I am disappointed my friend objected to the request, but I understand.

The stimulus package I introduced earlier this week included a \$1 billion increase for the Low-Income Home Energy Assistance Program, or LIHEAP. I commend my colleagues, my friend JACK REED, BERNIE SANDERS, SUSAN COLLINS, and a number of others, for their strong advocacy for LIHEAP and for the broad support that they have helped build for the program. They know LIHEAP is critical for many Americans who otherwise will be forced to choose between heating their homes, putting food on the table, or buying medicine or gas for their car. These are people who will spend any additional assistance and help stimulate the economy.

So I ask unanimous consent that, notwithstanding the previous unanimous consent agreement, the LIHEAP provision in the previously withdrawn first-degree amendment be added as an amendment to the bill currently before the Senate.

The PRESIDING OFFICER. Is there objection?

Mr. GREGG. Madam President, reserving the right to object, I note that I strongly supported LIHEAP and have supported it on numerous occasions and continue to support its expansion. I happen to believe it should be paid for. I don't think we should pass on to our children and our grandchildren the cost of the oil bills today. We should expand LIHEAP, but as part of expanding LIHEAP, we should offset that with an offsetting savings somewhere else. So at this time I have to object.

The PRESIDING OFFICER. Objection is heard.

Mr. REID. Madam President, I am on my best behavior today, so I am not going to dwell on the fact that the war has cost us about \$800 billion, all borrowed money. But I understand the objection to this LIHEAP amendment.

Mr. GREGG. Madam President, if the Senator will yield, I also am on my best behavior today, I can assure the majority leader. I have other unanimous consent requests I wish to make, but I am reserving my energy.

Mr. REID. Madam President, the Senate Finance Committee package contained tax incentives to encourage the development of alternative and renewable sources of energy, as well as investments in energy efficiency.

Senator CANTWELL has been a champion of these provisions. There is not enough I can say to commend her for her good work. It is outstanding.

These tax incentives make sense from the standpoint of our economy and our Nation. They would create jobs for Americans and, in the process, they would reduce our dependence on foreign sources of energy.

I have seen the importance of developing alternative renewable sources of energy in Nevada. The geothermal industry has taken off in my State, providing hundreds of jobs for Nevadans and increasing Nevada's energy independence.

So I ask unanimous consent that, notwithstanding the previous unanimous consent agreement, the energy tax provisions in the Senate Finance Committee package be added as an amendment to the bill currently before the Senate.

The PRESIDING OFFICER. Is there objection?

Mr. GREGG. Madam President, reserving the right to object, I am very sympathetic to the work of the Senator from Washington. She does exceptional work. As a practical matter, I am always interested in areas where we can develop energy and alternative energy, but that is not part of a stimulus package.

These tax credits would essentially not kick in for literally years, in many instances, and are not going to do a great deal of stimulating and should not be added to the package. So on behalf of the leadership, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. REID. Madam President, the Finance Committee, rightfully so, by an overwhelming bipartisan vote, agreed to include a provision in this legislation that is designed to help homeowners avoid foreclosures by allowing them to refinance. The President of the United States proposed this in his State of the Union Address, and this proposal has been championed by my friend, the distinguished junior Senator from Massachusetts, Mr. KERRY. It also would add \$10 million in bonds that States could use to help address the serious housing crisis facing our country. They can sell homes that are in foreclosure or refinance loans.

I commend Senator KERRY for getting this proposal added in the Finance Committee. It makes tremendous sense. I suggest it would be the right thing to do. The President supports it—or said he did in the Finance Com-

mittee—and I hope we can get agreement on it.

I therefore ask, Madam President, that, notwithstanding the previous unanimous consent agreement, the mortgage revenue bond provision in the Finance Committee package be added as an amendment to the bill currently before the Senate.

The PRESIDING OFFICER. Is there objection?

Mr. GREGG. Madam President, reserving the right to object, I think this proposal makes a great deal of sense, but in the name of the Speaker of the House, I would have to object. So I object.

The PRESIDING OFFICER. Objection is heard.

Mr. REID. Madam President, I don't know if there is an economist who disagrees—there could be; I don't know who it would be—that the best way to stimulate the economy is to get money into the hands of those who will spend it immediately and the people who need it the most. That is why, according to more than one economic study, the absolutely best way to stimulate the economy is to increase food stamp benefits. According to that study, for every \$1 allocated to food stamps, economic activity is increased by \$1.84. That is the best thing we could do. It is the best bang for the buck.

I therefore ask unanimous consent that notwithstanding the previous unanimous consent agreement, the underlying bill be modified by adding a provision that would appropriate \$5 billion to increase nutritional assistance for the rest of the calendar year.

The PRESIDING OFFICER. Is there objection?

Mr. GREGG. Again, this package was worked out between the House Republican leadership, the House Democratic leadership, and the administration, and basically the purpose here is to move the package quickly. That was not part of the package. Therefore, on behalf of the leadership, I would have to object.

The PRESIDING OFFICER. Objection is heard.

Mr. REID. Madam President, it is my understanding that there is now 20 minutes allocated, 10 minutes for me and 10 minutes for Senator MCCONNELL; is that correct?

The PRESIDING OFFICER. That is correct.

Mr. REID. Madam President, 2 weeks ago, the majority of Senate Republicans was quick to endorse the House stimulus bill with no revisions, even though they knew it was inadequate and that the Senate had an obligation to improve the bill and to deliver a timely, temporary, and targeted bill by Presidents Day weekend. We have done that. Senate Democrats, and with the help of a number of Republicans in the Senate, joined to move forward. It is our responsibility to pass the strongest bill we can, and we have done that.

If we had listened to the advice of the House, we would have 21½ million seniors with nothing out of this package.

If we had listened to the advice of the House, 250,000 disabled veterans and their widows would have been left behind. We have been able to make the House bill better, and I am pleased with that result.

There is much more to do, and that is why we focused today, as we did for a few minutes, on what is not being done. But I think we all have to acknowledge that the House bill has been improved significantly. We have gotten the President to agree the House bill was not perfect. I have said before that I wish there had been another vote. There wasn't, and I accept that. But I think we have to look at the good work that has been done.

I can't leave this floor without expressing my appreciation to the Finance Committee, led by Senator BAUCUS and Senator GRASSLEY. They have been champions of the American people. The American people have witnessed the last couple of weeks a lot of disagreements here on the Senate floor. We have had two difficult issues, the Senate stimulus package and the Foreign Intelligence Surveillance Act. We are basically about ready to finish the stimulus package, but we will be back and do more to help stimulate the economy.

Today, though, I think we should feel good about what we have done. Fifty-nine of us believe the country needs an economic stimulus, and we voted that way yesterday. Everybody in the Senate, I believe—and I am confident, with rare exception, that it is true—we cannot have an economic stimulus package and leave behind senior citizens and our wounded veterans, and we haven't done that. We have picked them up. I am confident we will do better.

I extend my appreciation to the distinguished Republican leader. It has been difficult to work through all this. And while it didn't work through the way I wanted it, it worked through a lot better than if we had accepted the House bill. I feel better today. The American people are going to be better off as a result of the work done in the Finance Committee by Senators BAUCUS, GRASSLEY, and the entire Finance Committee.

Madam President, I reserve my time. The PRESIDING OFFICER. The Republican leader is recognized.

Mr. MCCONNELL. Madam President, let me say to my good friend, the majority leader, we are on the verge here of an important bipartisan accomplishment. The American people looked with incredulity to a press conference a couple of weeks ago among the Speaker of the House, the House Republican leader, and the Secretary of the Treasury indicating they had reached an agreement for a stimulus package that would be timely, targeted and, as the Speaker said, temporary. We have now, after going through the legislative process here in the Senate, been able to reach an important bipartisan agreement that will be supported by the majority leader, myself, Senator BAUCUS,

Senator GRASSLEY, and Senator STEVENS, who was the principal cosponsor of an amendment I had indicated a couple of days ago we would offer.

This is the Senate at its finest, recognizing that this was an opportunity to demonstrate to the public that we could come together, do something important for the country, and do it quickly. The legislative process is frequently time consuming, complicated, laborious, and slow, and I think we have demonstrated today, or will demonstrate shortly, when we cast this vote, that we were able to put aside our differences, not only here in the Senate but with our colleagues in the House, as well, and the administration, to make an important statement that we are concerned about the slowing of our economy and we want to do something significant about it very quickly. So I think this is a fine day, a great day for the Senate, and something we can all feel good about.

I again commend the majority leader for his spirit in working this out, and congratulate the Senate and both parties for what I think will be perceived by the American people as a significant accomplishment for our country.

Mr. MCCAIN. Madam President, I want the record to be clear that I fully support swift enactment of an economic stimulus measure. Having spent the past weeks and months traveling across America, I have heard first-hand of the difficulties facing so many hard-working families. I am pleased that the majority and the minority have finally reached an agreement to allow us to improve the underlying bill to address the needs of seniors and disabled veterans, and to close a loophole in the bill concerning the distribution of rebates. Now, we will be able to pass this measure today.

The bill pending before the Senate—a compromise product between the House and the President—is not perfect. Certainly we can all agree on the important yet limited improvements I mentioned such as ensuring our senior citizens and disabled veterans are not left out of this stimulus package. While perhaps none of us will be fully satisfied with the final measure, we simply cannot afford to include every member's wish list in this package. I believe the measure we will send to the President is one that almost all of us can and will support.

Beyond the short-term economic fix being debated, we must also consider the best long-term economic approach and to take action accordingly. In my judgement, there is no question that Congress must reign in wasteful porkbarrel spending. We need to make permanent the 2001 and 2003 tax cuts at our soonest opportunity and avoid a crippling tax increase for millions of Americans. We should eliminate the AMT, the poster child for the notion of unintended consequences, which threatens to affect millions of middle class families. These are steps we should take now to end the uncertainty

facing American families and businesses.

America has the second highest corporate tax rate in the world. Cutting corporate taxes will spur economic growth immediately and over the long run. We need to allow first year expensing of technology and equipment investment for businesses, which would further simplify our code and provide incentives for capital expenditure. We must also work to reform and make permanent the research and development tax credit so that our businesses can do what they do best—create jobs and expand innovation—without the continued uncertainty of the whims of Congress. These are important and necessary steps toward reforming our tax code to make it simpler, flatter, and fairer for all Americans.

Clearly, we have much ahead of us to do and the American public is counting on us to fulfill the jobs that they sent us here to do. I, for one, have heard the voters. They want us to work together to stimulate and strengthen our economy and promote our Nation's long-term economic growth. Let's finally pass the economic stimulus plan and send it to the President. After all, time is of the essence if this effort is to be successful. The American public is waiting.

Mr. FEINGOLD. Madam President, I will support the bipartisan stimulus package today. It is better than doing nothing at all but not as good as we might have made it.

I commend the Finance Committee chair and ranking member, as well as our majority leader, Senator REID, for their untiring efforts to make improvements to the House-passed stimulus package. In the last few weeks, there has been a broad consensus that a properly crafted fiscal stimulus package could help ease the economic downturn we are experiencing. The measure passed by the House was a step in the right direction, and the amendment we will adopt today will improve on the House bill. Notably, the bipartisan amendment will ensure that 20 million lower income seniors who rely primarily on Social Security will be included in the tax rebate program, and it will do the same for a quarter of a million wounded veterans with lower incomes.

I regret that a particularly effective and desperately needed provision from the Finance Committee proposal was dropped from this agreement; namely, an extension of unemployment insurance benefits for the long-term unemployed. Not only was that provision the right thing to do to cushion the impact of this economic downturn on those who have been out of work for half a year or more, but we know from past experience that such a provision was one of the most effective ways to stimulate the economy. Another provision we should have included in this package, expansion of food stamps benefits, also shares those attributes. I very much hope that soon Congress will act on those two ideas.

Finally, I was disappointed that little or no effort was made to ensure the cost of this stimulus package would not add to our already mountainous public debt that will be borne by our children and grandchildren. Make no mistake; there is no free lunch here. Even though no offsetting savings were included in this package to defray its cost, the bill will be paid—if not by this generation, then certainly by coming generations. Our children and grandchildren will pay for our stimulus package.

Congress owes those future generations some consideration. We should return to the fiscally responsible budgeting of the 1990s, when we actually balanced the Federal books and began to pay down the Federal debt. We need not do so in a way that hurts the present economy, but paying for this stimulus package over the next 5 years or so would not undermine current economic growth, and Congress should consider such an approach.

Mr. LEVIN. Madam President, for too long the Federal Government has stood idle as Michigan's unemployment rate has soared, 3 million manufacturing jobs have been lost, and working families have felt the squeeze of the rising costs of energy, health care and food. I am glad that we are moving today on these short-term measures to stimulate our lagging economy—heaven knows we can't afford not to. But there is more we must do to fight for American jobs, and I am disappointed that the Republican Leadership blocked our attempt to significantly improve this package. I look forward to addressing the shortcomings of this bill with additional legislation in the near future.

At a minimum, we need to pass the provisions that were in the amendment offered yesterday that was based on the work done by the Senate Finance Committee. Unfortunately, that amendment with bipartisan support fell only 1 vote shy of the 60 it needed to overcome the Republican filibuster. I am hopeful that under new circumstances we can get those provisions done.

The Finance Committee amendment would have made this a much better package for stimulating the economy. Extending unemployment insurance, raising the cap on mortgage revenue bonds to help keep people in their homes, and funding the LIHEAP program to help people heat their homes are all timely provisions that offer temporary assistance that precisely targets the people who need this help the most. Putting money into their hands is the most effective way to kick-start our economy in the shortest time possible.

There are a number of reasons it is important that we ultimately approve the extension of much-needed unemployment insurance, which most economists agree is one of the most effective ways to stimulate the economy, dollar for dollar. Workers who receive these unemployment benefits—which could

reach them in as few as 2 weeks from enactment of the stimulus—are likely to spend them quickly, making this one of the fastest ways to infuse money into our economy in the short term. In my own State of Michigan, about 145,000 residents have exhausted their unemployment benefits and can't find jobs. Between now and June, 72,000 more people will face the same difficult situation. Extending unemployment insurance during times of recession is nothing new. In the past 30 years, the Congress has acted three times to establish temporary extended unemployment benefits, each time during a recession. Studies indicate that extending unemployment insurance during tough times provides the best return of economic benefits compared to other stimulus options, and this money can be distributed within weeks. Extending unemployment insurance is essential to provide much-needed support to those who have lost their jobs and are struggling to reenter the job market.

To achieve success, the second economic stimulus package now being formulated must also help families stand up against the intensifying wave of housing foreclosures. More than 89,000 Michigan home loans are currently in foreclosure and over 40,000 subprime loans have scheduled rate increases this year. Across the Nation, too many families are at risk of losing their homes, with devastating consequences. Beyond the personal impact, rampant foreclosures can decimate communities. Home ownership is a central tenet of the American dream, but with the number of home foreclosures increasing at an alarming rate, that dream is slipping away from Americans across the country.

I am pleased that the bill we will pass today will increase the loan limits for the Federal Housing Administration, Freddie Mac and Fannie Mae. These are modest moves in the midst of a full-blown crisis, but it is better than nothing.

I am hopeful that soon we can also pass the measure included in the Finance Committee amendment that would have raised the volume cap on State-issued tax-exempt mortgage-revenue bonds by \$10 billion. The proceeds from these bonds would allow State and local agencies to provide additional mortgage refinancing options to homeowners so that they could keep their homes. It is critical that we help prevent the further deepening of the foreclosure crisis, keep families in their homes, and protect neighborhoods from the blight which results from large numbers of vacant houses.

On a positive note, I am glad that we have adopted the Senate's improvements to what we are calling a "tax rebate" program. This bill will give a tax credit to be sent out as quickly as possible to provide fast cash for many struggling families, thereby ameliorating their hardship at the same time as giving a boost to spending. Today's bill is a package of inclusion, one that

recognizes the importance of giving our Nation's aging citizens and disabled veterans their share of stimulus support. These tax rebates will give \$600 to individual taxpayers with at least \$3,000 of qualifying income, or \$1,200 for married couples filing jointly, and an additional \$300 for each qualifying child. A prudent stimulus package should not neglect the elderly and disabled veterans, and the tax rebate program we have adopted includes social security and disabled veterans' benefits as qualifying income for the purpose of determining eligibility for the rebate, thereby putting money directly into the hands of some of our nation's neediest some 20 million seniors and 250,000 veterans. Not only will this help these folks attend to their families' most basic needs, but it will further stimulate the economy for the betterment of the whole Nation.

I am also pleased this package includes tax provisions to stimulate small businesses, which are the heart of America's economic strength. It allows small businesses to double the amount they can expense, meaning immediately write off, their taxes for certain capital investments made in 2008 from \$125,000 to \$250,000. It also provides immediate tax relief for all businesses to invest in new machinery and equipment by speeding up depreciation provisions, so that firms can write off an additional 50 percent depreciation in the first year.

However, given the importance of small businesses' contribution to the economy and to job creation, much more needs to be done to help small businesses find access to credit in this slowing economy. For instance, as a member of the Senate Small Business Committee, I have joined some of my colleagues in calling for a temporary reduction of fees on small business loans to help reverse the recent decline in SBA guaranteed lending to small businesses. I think a temporary reduction in the fees charged to borrowers will put more money in the pockets of small businesses by lowering their monthly loan payments. Equally important is reducing the fees SBA charges lenders because we need to take steps to make lending to small businesses more profitable and thus more appealing so that banks will continue to be willing to make these important loans.

We should also make a one-time enhancement of \$10 million to the SBA microloan program's revolving fund to increase credit availability for very small business concerns, especially those who face additional barriers to economic opportunity. The SBA's microloan program provides funding for small-scale business loans, which banks are typically reluctant to service.

When the economy is slowing, the Federal Government should be doing all it can to keep America's small businesses viable so that they can continue to be the economic engine of our econ-

omy that they have been in the past. I hope some of these ideas will be included in the longer term stimulus package.

I am also disappointed that this stimulus package does not include the 1-year extension of the production tax credit for renewable energy, which was included in the Senate Finance package. Current law provides a 1.8 cent per kilowatt tax credit for electricity produced from renewable sources including wind, solar, and biomass, but this provision will expire at the end of 2008. An effort was made to extend it for 2 years in the energy bill last year, but that effort also failed. This tax credit is critical to many developers of renewable energy projects—without an extension, many projects will be put on hold because they will be less financially viable. With the tax credit, these projects can go forward, and provide both investment in the economy and creation of new jobs.

Failure to approve yesterday's amendment also means that the stimulus package will not include an additional \$1 billion for the LIHEAP program, which provides energy assistance to many low-income families. This program has been seriously underfunded for the current fiscal year, and this additional infusion of LIHEAP funding would have put money quickly and directly into the hands of individuals who need it. LIHEAP funds would be spent quickly and immediately, thus stimulating the economy and providing a vital safety net to families and seniors so they do not need to choose between eating and paying their energy bill. In addition to being targeted to those most in need, LIHEAP funding would provide benefits to the economy. Studies have shown that every LIHEAP dollar distributed generates up to five \$5 of economic activity. By helping to offset home heating costs, these low-income households will be able to spend money on other vital essentials that will in turn help to stimulate the economy.

Beyond needing to ultimately pass the provisions in the Finance Committee package, it is also important that we take up legislation in the near future to target Federal spending on infrastructure, advanced technology and redevelopment projects that will create jobs. Our long-term economic growth requires investments by the Federal Government to create jobs and help our businesses grow and compete. Infrastructure and advanced technology should be our top priorities. Businesses that are successful are more inclined to hire new workers and expand. In Michigan, we know that success for many of our industries requires good roads, safe bridges, and harbors that are dredged to promote dependable shipping. Immediate Federal spending on infrastructure and dredging projects can put people to work and lay the foundation for future economic growth.

Investments in advanced technology can have similar long-term benefits.

For example, developing the next-generation advanced batteries for hybrid cars could lead to enormous growth of our auto industry. I have proposed public-private partnerships for research and development of a host of technologies that offer much potential for job creation.

No State is struggling more than Michigan in this tough economy, and, unfortunately, evidence is growing by the day to indicate that families and workers all across the Nation are facing tougher economic challenges. I will support this short-term stimulus package as a start, but I will also continue to push for further, stronger efforts to address the problems on a broader level.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Madam President, I ask unanimous consent that any votes regarding H.R. 5140—and there will be either one or two votes, whatever is determined—we could get by with one vote, but there may be someone who wants two votes, and if that is in fact the case, we will have two—that we not start voting until 4:10 this afternoon. I ask unanimous consent that be the case.

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

Mr. REID. Madam President, I also ask unanimous consent that the time between now and then be divided between the majority and the minority, and I would ask the chairman how much time he needs out of the half hour.

Mr. BAUCUS. Six or seven minutes.

Mr. REID. With 5 minutes to Senator DURBIN, 5 minutes to Senator MURRAY, 3 minutes to Senator BOXER, and 4 minutes to Senator SALAZAR.

Mr. GRASSLEY. Mr. Leader, I don't know, but we might want to have time.

Mr. REID. You have it. I gave it to you.

Mr. McCONNELL. The time is divided.

Mr. REID. And that Senator SCHUMER have 5 minutes. Does that add up to more than my half hour?

The PRESIDING OFFICER (Ms. KLOBUCHAR). We are calculating it.

Mr. REID. I don't think it does, but if it does, let's trim it a little bit.

Mr. McCONNELL. Madam President, parliamentary inquiry: How much time is on this side?

Mr. REID. A half hour.

The PRESIDING OFFICER. A half hour.

The majority leader has allocated 29 minutes.

Mr. REID. I ask unanimous consent that be the case.

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

Mr. REID. Madam President, I think in the spirit of bipartisanship today, we will alternate back and forth, Democrat and Republican. The first will be Senator BAUCUS.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BAUCUS. Madam President, this is a big one. The victory before us is a victory for 20 million seniors who came of age during the Great Depression and World War II. They have been called the Greatest Generation. They fought for their country. They gave a lifetime of labor. They gave a lifetime of service. They paid a lifetime of taxes. They contribute to our economy today. And now they will get stimulus checks, too, like other Americans. Today is another victory for the Greatest Generation.

Today's agreement is a victory for a quarter million disabled veterans. No one can question their sacrifice. No one can question their contribution. They have fought for America. Today is a victory for disabled veterans.

Today's agreement is a victory for the rule of law. That is because the agreement ensures that the stimulus checks will go to Americans. It guards against sending checks to people who have violated our Nation's immigration laws.

Today's agreement is a victory for the Founding Fathers, who created the Senate and who created the Finance Committee. There were those who said we should take what the House of Representatives told us to take. There were those who said we should take what the White House told us to take. But our Founding Fathers created a legislature with two Chambers. The Founding Fathers created a government with checks and balances. Today is a victory for those of us who want the Congress to work as the Founding Fathers intended it.

Today's agreement is a victory for open government. The elements of this agreement came out of the open process of the Senate Finance Committee. Americans need not settle for the products of back-room deals. Legislation gets better when people meet in the open and debate it in the open this way. That is what we did in the Senate Finance Committee, and today's agreement is a victory for open government.

Today's agreement is a victory for moderates. Today's agreement is a victory for men and women of good will, such as CHUCK GRASSLEY, BLANCHE LINCOLN, and OLYMPIA SNOWE. Today's agreement is a victory for people who are willing to reach across the aisle and work with other people of good will, even if they belong to another political party.

Today's agreement is a victory for people of courage, who were willing to buck their party's leadership, to buck the administration, for a better America. Today's agreement is a victory for people willing to stand up for what they think is right. Senator GRASSLEY and I will remember who stood with us.

Today's agreement is a victory for a better, more effective economic stimulus. Economists agree that consumer spending, fueled by tax rebates, can boost America's economy. Americans over age 65 spend 92 percent of their incomes in any given year. They will spend their rebate checks quickly, and that will boost the economy quickly.

Most of all, today's agreement is a victory for the American people. Today's agreement will speed rebate checks to the overwhelming majority of Americans, giving them needed tax relief. Today is a victory for the American people.

I thank my colleagues who have supported this package. I thank my colleagues for their help in crafting it along the way, and I urge the Senate to adopt it right away.

Madam President, I ask unanimous consent that Senator LINCOLN be added as a cosponsor to the amendment.

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

Mr. BAUCUS. Finally, Madam President, I say again how proud I am to work with my colleague from Iowa, Senator GRASSLEY. He, more than any other Senator I can think of, always does what is right for his home State of Iowa and for the country. I know of no Senator with greater courage than the Senator from Iowa, and I say to everyone, anyone listening, that we are here today in large part because this is a bipartisan agreement. We stood together. We did not want to buckle down, we did not want to cave in to the House and the White House, because we wanted something a little better—something a little bit better—and we stood together, worked hard on this Finance Committee package, with our hearings and amendments we adopted, and we did it very quickly. So we are going to finally have an agreement by both bodies and by the White House, and I am quite certain very quickly, so Americans can get those rebate checks they expected and they deserve to receive.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. GRASSLEY. First, Madam President, following on where Senator BAUCUS left off, I thank him for his remarks, and I would be glad to associate myself with them and put his words in my mouth so that I would say the same thing about him. It is a pleasure to work with him but, more importantly, a pleasure to have this opportunity to say that a product we have worked on, that was an expression of 59 Members of the Senate, is finally going to go to the President of the United States.

So I say that about Senator BAUCUS personally, but I also say, for those people who are listening, and who think that nothing in this city ever gets done in a bipartisan way, we are proving to the rest of the Nation that everything in Washington is not partisan and we eventually get things worked out in a bipartisan way. I will add to that: Nothing gets done in the Senate unless it is bipartisan.

I would add a second point, and that second point is that a week before the House of Representatives passed their product, the House of Representatives, Republican and Democratic leaders, reached an agreement with the White House of a so-called perfect package that was going to stimulate the economy. They wanted to get it to the

President immediately, and it was something that the Senate ought to go along with, without question. Then in a speech a week ago, I spoke here about the functions of the Senate—to distill and cool and observe and put in a laboratory the legislation that comes from the other body—and that it wasn't the function of the Senate to rubberstamp the House of Representatives.

I mean, we are not, I guess you would say, like the Senate of France, as an example, or the House of Lords of London, or the United States Senate representing our constituents and are not a rubberstamp body.

And the Constitution was written with the Senate to give greater deliberation to legislation than what the House of Representatives does. This action right now is a perfect example of what we are set up to do as the Senate, and that perfect piece of legislation that we were told was so perfect, after it went through the process of 21 members of the Senate Finance Committee looking at it, came to the conclusion there were about three things wrong with it: 20 million seniors citizens left out. If you want to stimulate the economy, including low-income seniors as consumers in America who need to spend money as one of the chief stimulants; and then the House of Representatives did not honor the disabled veterans of America the way they should have—I should say the low-income disabled veterans of America the way they should. And then the second one was the possibility, very real possibility, of people who are here illegally maybe being able to qualify for a rebate check. So all of those are shortcomings in that perfect piece of legislation worked out between the White House and the Democratic leadership of the House of Representatives.

As intelligent as those people are, and they are intelligent, it was not so perfect. So the Senate did its work. Here we are. I am pleased we are prepared to finish the job on the economic stimulus package this very day—in fact, within a few minutes.

One week ago today, I spoke at length about the improvement the Finance Committee made in the House bill. The key improvements were on the structure of the rebate. The Finance Committee members added 20 million low-income seniors, and several hundred thousand disabled veterans are now about to be able to participate in the rebate checks.

Illegal immigrants will not benefit from the rebate checks, and they should not. I know that is a no-brainer, but it is something you have to make certain is in law because it will happen.

All these changes are a result of the work, under the leadership of Senator BAUCUS, of 21 members coming together to do what needed to be done to correct the House bill. Now, this took a while. But my leaders saw the light of the Finance Committee improvements.

My understanding is the House and the White House agree with us as well.

Through the process, we will approve a truly bipartisan, bicameral bill. The American people will witness, in this process, a deliberative body, deliberating as we should but doing it in an expeditious way.

The best bill would be the full Finance Committee bill. That bill would have provided more business tax relief, more incentive for investment with probably longer—the certainty of the creation of more jobs. And, of course, we had an energy investment package in it.

Well, those will come up another time. My colleagues who favor those issues are not going to be left out in the cold. The House and the White House did not want these provisions in this bill. So in the interests of compromise, those provisions are dropped but not dropped out of sight.

I wish to thank our leaders for accepting, after some reluctance, the Finance Committee changes. We have a better product because the chairman and the committee process has worked. The committee members made this a better deal, and I thank Chairman BAUCUS for his leadership.

Madam President, I ask unanimous consent when we come back to this side, Senator ALEXANDER would have 5 minutes.

Mrs. BOXER. Reserving the right to object, I will not object. If we are doing it this way, I would ask unanimous consent to follow Senator ALEXANDER.

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

Mr. GRASSLEY. Madam President, I ask unanimous consent that Senator SNOWE be added as an original cosponsor to the amendment.

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

The Senator from Colorado.

Mr. SALAZAR. Madam President, I ask unanimous consent that I be added as an original cosponsor of the amendment as well.

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

Mr. SALAZAR. Madam President, this is a fine moment for the Senate because it is a group of Senators coming together and saying we need to jump-start the economy, we cannot delay, we need to move forward very quickly.

Because of the action this Chamber will take later today, we will see 100 million Americans receive tax rebate checks in the mail that then will help us jump-start the economy. But as Senator BAUCUS and Senator GRASSLEY have pointed out, we have taken a package from the House and have significantly improved it, significantly improved it in two major ways.

First, the 21 million seniors who receive Social Security who were left out of the House package will now be receiving those tax rebates in the mail. So it is important to note this is a very important step in us standing up for the elders of America, for whom we have so much respect.

The second major improvement in this legislation is we also have honored our disabled veterans, 250,000 disabled veterans, who were left out of the House package, out of the package negotiated by the White House. We have included those in this legislation.

So in that way, this legislation represents a very significant improvement upon the package that came over from the House. Let me also say this is a business-friendly package because the product of the Finance Committee will put money in the pockets of small businessmen and women, as well as large businesses so they can invest in equipment, so they can create jobs and they can help start getting our economy from going further into the ditch and back on solid track.

Having said that, I also think it is incumbent upon all of us to understand this is a short-term fix and that there are longer term economic and fiscal problems that face this country that need to be grappled with. It would be my hope, as one Senator, in the days ahead, we move forward and embrace a phase two of economic recovery for this Nation.

I believe No. 1 on that agenda of this recovery program should be a focus on housing legislation that will help us address the major issues that are being faced across the country, including so poignantly in the State of California, where my good friend, Senator BOXER, was describing to us what is happening with the foreclosure rate, which is going to be six times higher than it was last year.

In my State of Colorado, 1 in 375,000 homes is in foreclosure. In my State of Colorado, there is a significant decline in real estate values. Across the country it is projected that everyone's home is going to decline on average by 14 percent.

So housing, I hope, is immediately on our agenda; that we move from there and get a good farm bill passed for our food and fuel security for our country; and, thirdly, that we embrace the Finance Committee package on energy legislation that will help us get to that new frontier of a clean energy economy for the 21st century.

So while I applaud this package and support it 100 percent, our work has just begun. This is simply a first step.

I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Madam President, there is one message we hear consistently from the people we represent in this country. It is: They would like for us to change the way we do business in Washington, DC. They would like for us to come and focus our attention on big problems that affect everyday Americans—whether it is helping each American have health care insurance, whether it is keeping our jobs from going overseas, whether it is the \$3 price of gasoline—and work together in a principled way to solve it.

They do not mind our having big debates on big issues, about big principles

such as liberty versus security or terrorism. What they do not like is the “playpen” politics, when we bring out the charts and hire the campaign strategists and degenerate into what ought to be in a kindergarten or in a political campaign.

I am pleased to say this is a good way to begin the year the way that this has worked out, because the President and the House of Representatives deserve great credit for agreeing quickly on a timely, targeted proposal to help our economy be stimulated and move along.

They made it temporary, so it was not anymore of an infringement on the budget, and they sent it to us. I am very proud of the Senate. But I do not think it is such a bad idea, every now and then, to concede that even President Bush and the House of Representatives are not wrong all the time. They actually sent us an excellent package and gave us a good start. What we have done is essentially accept the House package that Speaker PELOSI, Mr. BOEHNER, and the President negotiated, and we have improved on it in a couple ways involving seniors and disabled veterans.

All of us agreed about that, almost all of us. The Republican leader suggested we do that a couple days ago. So I think there is plenty of credit to go around. I would start by giving it to the President and the House of Representatives. Of course we should thank the Finance Committee for the work it did, the Republican leader for his suggestion, with Senator STEVENS, that we add the disabled veterans and seniors, which he made a couple days ago. And we should feel good that, by the end of this week, as Senator MCCONNELL said earlier this week, we will have sent to the House and hopefully to the President a piece of legislation that will help taxpayers keep more of their own money, help small businesses keep more of their own money, and in doing that, help create jobs and help create additional spending that will stimulate our economy.

We had a disagreement, in actually a very good way. The Finance Committee recommendations included a number of proposals that many of us felt amounted to an excuse to spend, rather than economic stimulus. We voted on that yesterday, and we took most of those off. But that does not mean the Finance Committee was wrong to make the suggestion; it meant we did not agree with them. So we put those things aside for now. We will debate them later, and we will go forward with this bill.

A number of us on this side of the aisle, the Republican side, have some things we would like to add to any bill that has to do with economic stimulus. And Senator HUTCHINSON of Texas and Senator VITTER of Louisiana and Senator ISAKSON today talked about a number of those such as including long-term lower tax rates whether it is marginal rates or dividends or capital gains.

Those include Senator ISAKSON's proposal to give a tax credit to those who would buy foreclosed homes, \$5,000 for 3 years so we can get the consumer back into the housing market. It would include the proposals, as Senators HUTCHINSON and ENSIGN and others have made in the America Competes Act, which we passed together, Democrats and Republicans. Now we need to implement it so we can give more incentives to outstanding teachers, help low-income students take more advanced placement courses, bring in more talented people from other countries who get graduate degrees in science and technology, and allow them to have a green card and stay here and create jobs in the United States instead of going overseas.

We have some work to do on controlling runaway litigation. All of that has to do with job creation in America. We could have said: Yes, we would like to have that on this. But we agree, we will set that aside for now. But those are the long-term objections we have. We look forward to the debate on those issues and those steps.

I wish to congratulate the majority leader and the Republican leader, the Finance Committee, and the others who worked hard on this. I wish to thank the House and the President for sending us a good piece of legislation. I would ask my colleagues to consider this: We may want to send the House something sometime we hope they pass. So why not give them some credit for sending us something that substantially we agree with, and with a couple of improvements, we believe is better for the people of this country.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Madam President, I had asked for 3 minutes. I ask unanimous consent for 4 minutes.

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

Mrs. BOXER. Madam President, yesterday we were all very saddened when we failed to get the Senate Finance Committee stimulus package passed. We lost by one vote because Republicans filibustered, and they forced us to get 60. We got 59 votes for that package, but it was not good enough. So now today our Republican friends happily are joining us on two elements of that package, and we are adding it to the House proposal.

I am pleased that 20 million senior citizens will get a check as part of the stimulus package, our stimulus package, the Senate's. I thank the senior citizens and their organizations for calling all Senators and telling them it is outrageous to leave out the seniors. I am beyond pleased as well that 250,000 disabled veterans will get a check as part of the Senate's stimulus package. I thank the veterans and their organizations for calling Senators constantly in their offices to say: Make us part of the package. To have left them out would have been outrageous on its face, just as it was outrageous that when the

President suggested his package, he wanted to leave out more than 30 million Americans who didn't file tax returns, just paid payroll taxes, and acted as if those working Americans don't deserve to have a check. I thank Speaker PELOSI for fixing that problem. That was a huge problem. She did fix that problem, and now we fixed some more problems.

Democrats want to do more. We were stopped again today from doing more. Let me go into that because I stood here on the floor as the Republicans objected to request after request after request to add the rest of the Senate Finance package to the stimulus bill.

Senator REID said: We need to have low-income energy assistance. We know the cost of heating is high, and we know people are suffering under the burden of paying it. No, that was objected to. That was objected to. Then we said, there are some States that have very high unemployment rates, and we see a high unemployment rate beginning to hit many States. We want to extend unemployment insurance to the long-term unemployed. Those are the people who would go right out and spend those checks at the corner store, which is just what we wanted to do. No, our Republican friends said, no. Then we asked unanimous consent to help the homebuilders get a tax break. They are struggling under the horrendous situation we find ourselves in today in the housing market. No, there was objection from our Republican friends. Then we asked, through Senator REID, for green energy tax breaks so the folks who are out there who are trying to build this economy and get us off foreign oil can get those tax breaks. Republicans said no. Then we were asking if they would allow us to put in here a program President Bush himself endorses—housing revenue bonds to help with the housing crisis. The Republicans said no.

We are all very happy that seniors and the disabled veterans are going to have a smile on their face tonight, but we are far from done. We Democrats are going to fight.

I come from a State that has 25 percent of the defaults. When I go to towns in my State, we have five roundtable discussions about the terrible situation that our mayors are facing, that our States are facing, that our counties are facing. We need to do more, and we Democrats are not going to give up. This is phase 1.

I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

Mr. ALEXANDER. Madam President, I yield myself 2 minutes to say to my distinguished friend from California, who is chairman of one committee on which I serve: I am a little puzzled about why, when we come to a good conclusion and we stand up and compliment the Democratic members and the majority leader for a good job and adopt the provision, when we compliment the recommendations of

Speaker PELOSI, a great friend of the Senator from California and someone I admire greatly for her work on this stimulus package, why she feels it necessary to stand up and begin to make a political speech about Republicans saying no. Republicans have said yes. Democrats have said yes. We are saying it to the country.

Mrs. BOXER. Will the Senator yield for an answer since he mentioned me?

Mr. ALEXANDER. Yes, I am glad to yield.

Mrs. BOXER. Madam President, I speak the truth. I speak the truth. I stood next to Senator REID, and he made requests on all those issues I outlined—LIHEAP, extended unemployment benefits, tax breaks for solar, et cetera—and the Republican side objected. I speak the truth. I am happy we have joined together on two aspects of the proposal, but the truth is, there is more to the story. We have more work to do. The fact that I mentioned this is to sort of spur you on, to say: Come to the table with us again, and let's do more. That is the reason I said what I said.

Mr. ALEXANDER. Well, if I may say, the Senator is certainly entitled to say whatever she wishes to say, but if she wants to bring it up, we will begin with the fact that the Speaker of the House and the Republican leader and almost 400 Members of the House sent us this bill. It was not the intention of the Speaker of the House, I assume, to throw grandma from the train by sending us an economic stimulus package. It was her intention to send us a targeted, timely proposal that would be temporary and that the American people could look at and say: The Congress has come to a good result in a bipartisan way. They have many opinions, but they decided what to do. And they will discuss the other issues on down the road.

I would like to give the Speaker of the House credit for that, not criticize her for leaving out seniors, not criticize her for leaving out disabled veterans, not criticize our friends on the other side of the aisle on the Finance Committee for leaving out widows of disabled veterans, which would have happened in their first draft. I see no benefit to that. It is much better to do what my friend, the late Alex Haley, used to say: Find the good and praise it. I think there is a good deal to praise here.

I am certainly not objecting to the Senator's right to say whatever she wishes. She is eloquent, she is effective, and she works in her committee in a very good way. I would just like to see the tone of the debate on this Senate floor change so that it is possible from time to time, when we do accomplish something together, that we recognize we have different opinions but we can give credit to other people. When we do, we often succeed. I think the majority leader and the Republican leader, the Finance Committee, the Speaker of the House, the President,

and the Republican leader in the House deserve a pat on the back for this. There are many other issues to discuss down the road. I can think of some things I would criticize the Democratic majority for spending on, but I see no need to do that. There is nothing constructive to be gained by it, and we will defer that for another time.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mrs. MURRAY. Madam President, like all of our colleagues, I have gone home, I have listened to my constituents who are deeply concerned about the state of the economy today. We are concerned about the housing crisis, about the rising cost of fuel and gas, about the rising cost of health care. The economic crisis that is facing many people today was reflected in the economic numbers we have seen coming in over the last quarter. We came back here a month ago united to make sure we did what everyone agreed to—a temporary, targeted package to get money back into the economy quickly. Today, we are about to do that.

But I have to say—and I heard my colleague from California say it—the Speaker of the House did a good job in the limited amount of time with the agreement she had to do to get a package here. The Senate, in doing its job of looking at it carefully and asking, What do we need to do to improve this to make sure it works, was highly commendable.

The package we voted on last night had a number of very important provisions: extension of unemployment insurance; LIHEAP for millions of families who are very concerned about being able to heat their homes; the energy package that my colleague, Senator CANTWELL, worked hard to put in to stimulate jobs and bring jobs in critical regions of the Nation and deal with the energy crisis as well. We are all disappointed on this side that but for one vote those would be part of this package which would then go back to the House and, we would hope, be signed by the President. But because we were stymied by one vote, we are here today saying: What can we do?

We are delighted that our Republican colleagues have come with us to say we can do better, and we added money to make sure millions of seniors as well as thousands of disabled veterans would be part of this economic stimulus, families that are really struggling today.

We did agree with the Republicans, and I commend our leader, Senator HARRY REID, as well as MAX BAUCUS, the minority leader, as well as Senator GRASSLEY, who have worked hard over the morning hours to come to this. But I would say to the Senator from Tennessee, we can express our disappointment that but for one vote, we feel we could have had a better package. But we are pragmatic on this side. We believe we need to move forward. We know we cannot face days and days of delay. We know we need to get this done, and we have come together with

Democrats and Republicans to move a package that I believe is in the best interest of the country at this time.

This is not the end of this debate. This is our answer to get quickly a short economic stimulus. But we are committed on this side—and with a number of Republican Senators who joined us last night in that vote—to continue to work to do a long-term economic stimulus.

This crisis started with a housing issue that became the face of this crisis as millions of homeowners were losing their homes across the country and facing foreclosure. We are committed to continue to move forward to address that housing crisis in a smart, pragmatic way to make sure we can do everything to help those families and to get this economy back on its feet. We are committed to work with our colleagues from Michigan and California and other States that are facing high unemployment to get extended unemployment insurance benefits for those families that are now facing a very real crisis in their homes and with their ability to put food on the table. We are committed to continue to try to get that one last vote for an energy package that will mean our jobs will be brought here to the United States to create new alternative energy that will help not only job creation but our energy crisis as well.

I commend all of us for coming together and, in a few short minutes, voting to pass quick, temporary relief that is well needed but also a commitment from all of us to continue to work to make sure we address the long-term economic stimulus as well.

I yield the floor.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. SCHUMER. Madam President, I join my colleagues in saying this is a very fine day for the American people. It is a good day. I thank everybody who came together on this issue, particularly Senator REID and Senator BAUCUS, who were steadfast leaders as we began to put together a stimulus package. I also thank my colleagues in the House, led by Speaker PELOSI.

We do have a serious economic crisis. Most economists would say we are headed to recession. It is unfortunate; that recession could have been avoided because the housing crisis is at the bull's-eye of that recession. Unfortunately, this administration, with ideological handcuffs around its wrists, was unable to intervene. So the crisis spread. Housing prices declined, and then consumers stopped buying. We had a very weak Christmas season. Housing prices declined. Foreclosures increased. And there is a credit freeze, so many who wish to build and create commercial projects, factories, businesses that wish to borrow can't get the lending they need. As a result, we stand here at the precipice of a fairly severe economic downturn. We must do everything we can to make sure the severe effects of that downturn are mitigated. Today's package does that.

Early on, we enunciated on our side three goals—that a stimulus package be timely, targeted, and temporary.

The package today meets all three of those goals. Leader REID promised that we would get a package to the President's desk on February 15, that we would not let squabbles, dilatory effects get in the way. The package is on track to be signed by February 15 so that checks can be sent out to the American people as quickly as possible, and they, because they are—most of them—hard pressed, will spend those checks and get the economy revved up.

We added to the package. The House gave us a very good start. Make no mistake about it, the Senate package is based on the House's basic structure. But we fought hard to include 21 million senior citizens and 250,000 disabled veterans. They are now included in the package, and it is a better package than the one that passed the House.

The package in the House was good. The package that is passing the Senate is better. It could have been better still. It could have been best. But our colleagues on the other side of the aisle—again, in those ideological hand-cuffs—said: We cannot spend money. Tax cuts are OK, spending is not. Well, I know that is part of the old-time, hard-right philosophy. It is outdated now, but it is there.

Economists tell us, for instance, that spending on unemployment insurance is the quickest way to get the money into the economy. The checks will flow, hopefully, in the spring, but they cannot flow more quickly because the IRS needs to gear up its computers, and they are busy with tax returns and tax refunds. If we were to extend unemployment insurance, we would mainstream money into the economy much more quickly. Unemployment insurance gives the biggest bang for the buck: \$1.74 for every \$1 spent. Tax breaks are good, but they give about \$1.19.

So if one were not ideological, did not care if the money went to the rich, the middle class, or the poor but just said, "Let's get the economy going," unemployment insurance and nutrition assistance would be included in the package. But the ideological predispositions of the other side, not listening to economists—Martin Feldstein testified before our Finance Committee, a conservative economist who worked for Republican Presidents, and said unemployment insurance makes sense. They refused to do it. We made a valiant attempt. We tried. We were blocked by the other side by one vote.

We tried to bring in LIHEAP funds. Those of us from Northern States know how hard it is to heat your home with the price of oil and gas through the roof. They said no.

Housing, as I said, is at the bull's-eye of this crisis. We tried to bring in mortgage revenue bonds, which the President himself supported. But those on the other side said no.

So good, better, best. The House package: good; the Senate package:

better. It could have been best, except our colleagues on the other side of the aisle decided to block it.

Let me say two other things in conclusion.

Madam President, I ask unanimous consent for 2 additional minutes, not to come out of Democratic time, just 2 minutes added on.

The PRESIDING OFFICER. Is there objection?

Mr. ALEXANDER. Madam President, if you want to delay the vote and add 2 minutes to the Republican time, that would be fine.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. SCHUMER. Madam President, two other points quickly.

We will come back. There are structural problems in this economy that rebate checks will not solve. There are problems with housing, and we are putting together a good housing package that will include not only mortgage revenue bonds but assistance for loan supervisors, loan counselors, who will help people restructure, and it will encourage Fannie and Freddie to get money so mortgages can be refinanced. There are the conforming loan limits, which should pass in this package. That will help our housing area.

We also will put together a package that deals with infrastructure—a time-honored way of getting the economy moving. Hopefully, there will be some local assistance to help States with their increased Medicaid burden and energy assistance—not just LIHEAP but also the kinds of things the Senator from Washington State, Ms. CANTWELL, has pioneered: tax breaks for green energy to create jobs and keep jobs here.

We will put together a package that will do all of that. We expect there will be resistance from the other side. The only thing that will probably stop that is if the economy hurdles south even further.

The second thing I want to say is this: Some asked me outside: Well, did you do this for politics? Absolutely not. We tried to craft—and I know it because I am on the Finance Committee and worked closely with Senator BAUCUS—we tried to craft the package that would give the economy bang for the buck. But if today Members on the other side of the aisle are squirming because they voted no, that is what democracy is all about. There were real choices here—real choices. Some said yes; some said no. We each should be held accountable by our constituents for that. That is what democracy is all about. So while it was substance—totally substance; I can tell you that, having been there—that motivated our package, the political chips will fall where they may.

This is a great day for the American people, a day to try to improve our economy. I am proud of what we have done and will work hard to make it better.

I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Madam President, in response to the comments of the Senator from New York, I simply would say that it is reassuring to see the chairman of the Democratic Senatorial Campaign Committee come to the floor and hear him say: Let the political chips fall where they may, while denying he had any political motives in his comments.

I tried to begin the remarks here, after the majority leader made an excellent talk and the Republican leader made an excellent talk, by complimenting Speaker PELOSI, by complimenting Mr. BOEHNER, by complimenting the President, by saying Senator BAUCUS and Senator CHUCK GRASSLEY deserve a lot of credit for bringing to our attention some things that needed to be done. Then, by complimenting Senator STEVENS and Senator MCCONNELL—who a few days ago offered an amendment to add seniors and disabled veterans and to fix a problem that apparently needed fixing by leaving out widows of disabled veterans. They offered that, and we all agreed that was a good result.

I guess the Senate floor is always appropriate for whatever any individual Senator may wish to say. But sometimes I wish it were more about substance and less about politics.

This is an opportunity when we can talk more about substance. We have our principled differences of opinion on where we go from here, but we have agreed on the temporary. As the Senator from New York said: Good from the House; better from the Senate. I agree with that. Now, when we get to "best" we will have a different kind of debate.

Mr. SCHUMER. Madam President, will my colleague yield?

Mr. ALEXANDER. Madam President, I will be glad to complete my remarks and turn the floor over to the Senator in just a moment.

But when we get to the question about "best," I assume we are going to be arguing from principles, and we are going to say: To make this economy better for the long term, we need to limit runaway lawsuits. And he may say we do not. I do not mean that will make him politically squirm. I assume he actually believes that.

We may say we want to continue tax cuts, and he may want to raise taxes. Should he say that, I do not intend to try to make him politically squirm. I assume he just believes that.

Perhaps we can agree that we ought to implement the America COMPETES law which we worked together to pass last year. Perhaps we can agree that we ought to increase the number of HB-2 visas so talented foreign people can come do research and work and then stay here and create jobs here instead of creating them overseas in India.

When it comes to an energy package, I may say more nuclear power, and

someone on the other side may say less. But I do not say that to make them squirm politically.

So I like the fact that we can come here and compete. I like his characterization, if I may say so, of "good," "better," "best" because I think if we have an economic stimulus package, the right kind of competition is to say they have an even better one, and then we will have to go to work and come up with an even better one than that. But I reject the notion that what has been done here is to cause Republican Senators to squirm. We feel pretty good about avoiding turning this bill into an excuse to spend more money. But we respect the fact that those on the other side have a genuine belief that spending more money is the way they would prefer to go over the long term.

So I guess I am expressing a little bit of disappointment in the tone of the debate here at the end. That is all I am expressing. But I thought I ought to express it instead of letting this go on and on in the same tone.

The PRESIDING OFFICER. Just so everyone knows, the Republican side has 11 minutes 17 seconds remaining; the Democratic side has 8 minute 6 seconds.

The Senator from Michigan.

Ms. STABENOW. Madam President, I ask unanimous consent for 1 minute from the majority's time.

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

Ms. STABENOW. Thank you very much.

Madam President, certainly we come here today supportive of what has been done to this point, congratulating the House for beginning this process, on which we can build. But I think it is very important we make it clear what has happened.

We had the majority of the Senate that supported something that would have gone further, something that would have been better, in my judgment, and it was stopped by a filibuster and our inability to get one vote—one Republican vote—to join with us to stop the filibuster. So what does that mean? It means millions of unemployed middle-class Americans are left out. Unemployment benefits—one of the top two areas that economists have agreed upon to stimulate the economy—were left out because of one vote from our Republican colleagues. We just needed one more vote to include that.

Jobs from alternative energy production—we literally have businesses saying they will bring jobs back from overseas to this country—we lost that by one vote. Those jobs will stay away. Plants, we are told, will not improve and may, in fact, close certain projects because of the lack of one Republican vote. Help for homebuilders and homeowners—at the heart of this crisis—help for other employers struggling to invest and keep Americans employed, we lost this by one vote. That is what is so unfortunate here today.

The PRESIDING OFFICER. The Senator's time has expired.

Ms. STABENOW. Thank you, Madam President.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. DURBIN. Madam President, how much time is remaining on our side?

The PRESIDING OFFICER. Six minutes 17 seconds.

Mr. DURBIN. Madam President, under the agreement, I have 5 minutes. I will just take 4 minutes, and if the Chair will notify me when I have used that time so the Senator from Arkansas can have her 2 minutes-plus.

It is interesting here that the American economy is suffering from some ailment that leads us to believe it is headed to recession. So how are we going to treat this ailment, this fever? Well, we are trying to come up with some medicine in a hurry before it gets worse.

The Federal Reserve lowered the interest rates, and then we understood we could do our part in Congress on a bipartisan basis: Let's try to do something now before something worse happens. We know how bad it is: all of the people who are unemployed, the stock market in trouble, housing in shambles across America, the housing industry flat on its back. So we tried to come up with something quick, temporary, and targeted to get this economy back on its feet.

I give credit to both the House Republicans and Democrats for reaching agreement and sending us a bill. Then we sat down in the Senate and said: Can we improve it? Is there a way to put a little more medicine in this package so it will work?

Senator MAX BAUCUS and Senator CHUCK GRASSLEY—Democrat and Republican—on a bipartisan basis came up with a really good package. We tried to pass that last night. We missed it by one vote. We needed one more Republican vote. We had all the Democrats and eight Republicans. We needed one more. We could not get it done. So today we decided we had to take the best parts of it that we could on a bipartisan basis and pass it. I am glad we are going to do that.

As I go around this country, people say the same thing over and over: Will you stop squabbling on Capitol Hill and get down to work? Will you try to work together? Today, we will. What the Senate Finance Committee did was improve the House bill and give us a chance to help this ailing economy get back on its feet.

What if this is not enough medicine? What if it is the wrong medicine? I think we are going to go back to some of the things that were rejected last night.

Unemployment insurance—boy, read the list. Madam President, 1.2 million Americans are going to see their unemployment insurance benefits end this month. We want to extend their protection. There are some who came to the floor on the other side who argued

against that. Oh, they say if somebody is unemployed, you have to punish them, you have to pressure them to go back to work. Ever try to live on an unemployment check? I have run into people who do it, and it is not a rosy life. I think people are looking for jobs and finding them very difficult to locate.

I think we are going to return, and many of the things rejected last night by the Republican side will be part of the second dose of medicine for this economy. This economy needs to get well. We need to give the right medicine in the right amounts for it to happen. This is a good start. With one more Republican vote last night, I think we could have given that full spectrum of medicine to put this economy on the right track.

If our efforts fail now with this stimulus package, we need to come back and put back into the law the things that were defeated last night by the Republicans, and more. We need an economic recovery package for America. I am sick and tired of sending billions of dollars to Iraq to rebuild hospitals and schools and highways and not do the same thing in America.

We have to focus on putting Americans to work with good-paying jobs, with decent benefits, so they will be spending again and this economy starts chugging forward again. For too long, we have ignored working families, and any economic recovery plan has to focus on those working families first. That is why I hope we pass this soon, monitor it carefully, and if we do more, let us respond as quickly as we can.

I reserve the remainder of my time for the Senator from Arkansas.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mrs. LINCOLN. Madam President, I say to those who have discussed this before me that we received a package, the Pelosi-Bush package that started in the House, and it was done very quickly. They bypassed their committees and they bypassed the consideration of the Senate until we got the package. So what we tried to do was to do our very best to improve upon that package in ways that we felt would not only stimulate the economy but do justice to the American people.

To the conversation that happened before me from the Senator from Tennessee and the Senator from New York, I don't think what we are talking about here is whether we are going to take up whatever we can do; we owe it to the American people to do our very best, to do the very best we can to stimulate the economy and make sure we are including every American in a part of that stimulus package.

I think that is what we tried to do in the Senate Finance Committee under the tremendous and thoughtful leadership of Chairman BAUCUS and Senator GRASSLEY. We came up with a plan that, yes, not only looked at what we could do with those rebate checks and making sure we equitably distributed

those dollars—not only to those included in the Pelosi-Bush plan, but also to include seniors. The chairman and ranking member found a way to include seniors, qualifying their Social Security income for the rebate income threshold, but they also looked at the crisis epicenter: the home mortgage issue. They looked at the unemployed who are getting ready to fall off the rolls and who are working families trying to take care of their kids and their aging parents. They looked at new job creation, the renewable energy sources. What an incredible way for us to begin to reinvigorate the economy, to make a quick hit on jobs that were already in existence that were probably going to leave if we didn't do something about it.

I joined my colleague Senator SNOWE, and I was very proud to join Senator SNOWE, as I regularly am, to offer an amendment to add veterans' disability income as well. We wanted to add veterans' disability income to make sure our disabled veterans would also get a rebate check, because I know, looking out there, they need it as well.

The PRESIDING OFFICER (Mr. WEBB). The Senator's time has expired. Who yields time?

Mr. ALEXANDER. How much time remains on the Republican side?

The PRESIDING OFFICER. The Senator has 11 minutes.

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

The PRESIDING OFFICER. No time remains on the Democratic side.

Mr. ALEXANDER. Mr. President, I am glad to yield 1 minute of our time to the Senator from Arkansas if she wishes to finish her remarks.

Mrs. MURRAY. Mr. President, if the Senator would be so gracious, that would be very much appreciated on our side, so that the Senator could finish her remarks. We thank the Senator from Tennessee for that.

Mr. ALEXANDER. Of course. Is 2 minutes enough?

Mrs. LINCOLN. That is unbelievably gracious from my neighbor in Tennessee.

The PRESIDING OFFICER. The Senator from Arkansas is recognized for 2 minutes.

Mrs. LINCOLN. Mr. President, as always, my neighbor from Tennessee is gracious and a gentleman.

Here in Washington, we often get into the business of debating specific policies and we lose sight of what it is all about. Before we finish this debate, I want to remind people what it is about.

There is a gentleman named James Free who lives in West Memphis, right across the border from the Senator from Tennessee. He served in the U.S. Army from 1972 to 1977. His service led him around the world two or three times, he said. But James' disability makes it hard for him to work and to get by day to day. He gets \$314 in a disability check that he receives from the

VA each month, which is his primary source of income. Now, because of the modifications we have made here in the Senate, James and other folks like him will qualify for the rebate. How could any of us argue that James Free, who has served our Nation very courageously and proudly, should not be included in this package today, that he would not appreciate the opportunity to receive a stimulus check, and that he would not put it back, right back, into the economy.

This is a good package. We had hoped we would do our very best, but it is a good package, and we want to make sure that as we take this step to stimulate the economy in this great Nation, we will prepare ourselves for the next piece of recovery we can offer, a recovery piece that will be more long term, more substantial in making sure that we deal with job creation and some of the other crises that exist. It is going to be good for our economy now. It is going to be good for our working families and good for seniors, good for our veterans, and due to some additions I think from the other side, also good for the widows of veterans. I appreciate the fact we are moving forward on behalf of the American people.

I want to say thanks to my colleague from Tennessee for yielding time so I could finish my comments.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

Mr. ALEXANDER. Mr. President, I believe all the Democratic time is used and most of ours is used and the vote is scheduled for 4:10, if I am not mistaken.

Let's start from the beginning, once again. The first order of business when Congress convened and the President made his State of the Union Address was to say to the American people: We see that the economy is slowing down, and we want to do whatever we can from Washington. Even though we realize this is a huge economy—15 trillion or so dollars a year—we want to see if there is something we can do quickly that will stimulate the economy.

The President, the Democratic Speaker of the House, and the Republican leader of the House, with the agreement of the majority and minority leader of the Senate, took the first stab at it. In very short order, they reported, and the House passed with only 35 or so dissenting votes, provisions that would give about \$150 billion—two-thirds of it straight to individual taxpayers, middle and low income, so they could keep more of their own money, spend it, and stimulate the economy; and about a third of it to small businesses in America so they could keep more of their own money and create new jobs. That package was sent to us. The Senate Finance Committee worked hard on that and came up with some additional recommendations. One of those recommendations was to add seniors. Another was to add disabled veterans. That recommenda-

tion was an idea that Senator STEVENS of Alaska and Senator MCCONNELL of Kentucky thought was a good idea, and in their own amendment offered that on the floor.

We then had a vote yesterday which represented a philosophical difference of opinion. Most on the other side wanted to spend another \$40 billion. Most on this side thought that was an excuse to spend, so we resolved that, as the Senate always does: Unless you can get 60 votes or a consensus, we can't go ahead. So the ones who wanted to spend more didn't win for now, and we kept the package at about the same spending level that it was, adding, as virtually all wanted to do, seniors and disabled veterans and their widows. So in a very short order, we have a result.

I wish to end my remarks as we come toward the vote about where I started earlier, which is that this is a conclusion that deserves—and I hope will earn—the respect of the people of the United States. It was fashioned in the House, and the Senate has largely respected the work they have done. We believe we have improved it. We are sending it back. We are doing this with a provision that is timely and targeted in a temporary way, and then we will move on, both sides will, to offer our long-term solutions for how we can continue to make this economy stronger.

There will be differences of opinion. There may be more spending there and there may be more tax cuts here. There may be more reservation of runaway lawsuits here and less there. But we can have those arguments. They will be principled arguments. Hopefully, it will show that the Senate and the House, when they set their minds to it, can work with the President on big issues and get results.

Mr. President, I yield the floor.

Mrs. MURRAY. Mr. President, I believe all time has expired on this side.

The PRESIDING OFFICER. The Senator is correct.

Mrs. MURRAY. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mrs. MURRAY. 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. ALEXANDER. Mr. President, unless there are other Republican Senators who wish to speak, we yield back our time.

The PRESIDING OFFICER. All time has expired.

Mrs. MURRAY. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to amendment No. 4010.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from New York (Mrs. CLINTON), the Senator from Nebraska (Mr. NELSON), and the Senator from Illinois (Mr. OBAMA), are necessarily absent.

I further announce that, if present and voting, the Senator from Nebraska (Mr. NELSON) would vote "yea".

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

The result was announced—yeas 91, nays 6, as follows:

[Rollcall Vote No. 9 Leg.]

YEAS—91

Akaka	Durbin	Mikulski
Alexander	Ensign	Murkowski
Barrasso	Enzi	Murray
Baucus	Feingold	Nelson (FL)
Bayh	Feinstein	Pryor
Bennett	Graham	Reed
Biden	Grassley	Reid
Bingaman	Harkin	Roberts
Bond	Hatch	Rockefeller
Boxer	Hutchison	Salazar
Brown	Inhofe	Sanders
Brownback	Inouye	Schumer
Bunning	Isakson	Sessions
Burr	Johnson	Shelby
Byrd	Kennedy	Smith
Cantwell	Kerry	Snowe
Cardin	Klobuchar	Specter
Carper	Kohl	Stabenow
Casey	Kyl	Stevens
Chambliss	Landrieu	Sununu
Cochran	Lautenberg	Tester
Coleman	Leahy	Thune
Collins	Levin	Vitter
Conrad	Lieberman	Voinovich
Cornyn	Lincoln	Warner
Crapo	Lugar	Webb
DeMint	Martinez	Whitehouse
Dodd	McCain	Wicker
Dole	McCaskill	Wyden
Domenici	McConnell	
Dorgan	Menendez	

NAYS—6

Allard	Corker	Gregg
Coburn	Craig	Hagel

NOT VOTING—3

Clinton	Nelson (NE)	Obama
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The amendment (No. 4010) was agreed to.

Mrs. MURRAY. I move to reconsider the vote.

Mr. DODD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Under the previous order, the question is on the engrossment of the amendment and third reading of the bill.

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

The bill was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill, as amended, pass?

Mr. MCCONNELL. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from New York (Mrs. CLINTON), the Senator from Nebraska (Mr. NELSON), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

I further announced that, if present and voting, the Senator from Nebraska (Mr. NELSON) would vote "yea."

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

The result was announced—yeas 81, nays 16, as follows:

[Rollcall Vote No. 10 Leg.]

YEAS—81

Akaka	Dorgan	Menendez
Alexander	Durbin	Mikulski
Baucus	Feingold	Murray
Bayh	Feinstein	Nelson (FL)
Bennett	Graham	Pryor
Biden	Grassley	Reed
Bingaman	Harkin	Reid
Bond	Hatch	Roberts
Boxer	Hutchison	Rockefeller
Brown	Inouye	Salazar
Brownback	Isakson	Sanders
Bunning	Johnson	Schumer
Burr	Kennedy	Smith
Byrd	Kerry	Snowe
Cantwell	Klobuchar	Specter
Cardin	Kohl	Stabenow
Carper	Landrieu	Stevens
Casey	Lautenberg	Sununu
Chambliss	Leahy	Tester
Cochran	Levin	Thune
Coleman	Lieberman	Vitter
Collins	Lincoln	Voinovich
Conrad	Lugar	Warner
Cornyn	Martinez	Webb
Dodd	McCain	Whitehouse
Dole	McCaskill	Wicker
Domenici	McConnell	Wyden

NAYS—16

Allard	DeMint	Kyl
Barrasso	Ensign	Murkowski
Coburn	Enzi	Sessions
Corker	Gregg	Shelby
Craig	Hagel	
Crapo	Inhofe	

NOT VOTING—3

Clinton	Nelson (NE)	Obama
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The bill (H.R. 5140), as amended, was passed.

Mr. REID. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

MODIFICATION TO AMENDMENT NO. 4010

Mr. REID. Mr. President, I ask unanimous consent that notwithstanding the passage of H.R. 5140, the Reid-McConnell amendment No. 4010 be modified with the technical change at the desk.

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

The modification is as follows:

tion. Such term shall not include a TIN issued by the Internal Revenue Service."

(b) ADMINISTRATIVE AMENDMENTS.—

(1) DEFINITION OF DEFICIENCY.—Section 6211(b)(4)(A) of the Internal Revenue Code of 1986 is amended by striking "and 53(e)" and inserting "53(e), and 6428".

(2) MATHEMATICAL OR CLERICAL ERROR AUTHORITY.—Section 6213(g)(2)(L) of such Code is amended by striking "or 32" and inserting "32, or 6428".

(c) TREATMENT OF POSSESSIONS.—

(1) PAYMENTS TO POSSESSION.—

(A) 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.

(B) OTHER POSSESSIONS.—The Secretary of the Treasury shall make a payment to each possession of the United States which does not

ORDER OF PROCEDURE

Mr. REID. Mr. President, my mind was on FISA. What we have done is, the staffs are working out a consent agreement where we are going to have three recorded votes. We are going to be able to dispose of two other votes by voice. Then we are working toward—and it is not done yet—we are working toward where that may be all the votes we will have tonight.

Then what we will try to do—not try, it is the only way we can get from here to there to get it done—is tomorrow we still have a lot of debate left in this matter because of the time we have spent dealing on the stimulus package. So today we will do all the votes we can. We are going to have, as I have indicated, at least five amendments we will get rid of. I think that will leave about five. We will then have debate—there are a number of amendments where I think there is still like 6 hours of debate left on those, and they would complete that debate, hopefully get rid of a lot tomorrow, and what we can't, on Monday, and Tuesday morning we will start final votes.

We will have a cloture vote involved in this also, but I think we can work out the time factor on the cloture vote and have final passage on this sometime on Tuesday. I have asked Senator ROCKEFELLER to have a pretty good idea of what will be in the final package as it comes out here. So I think it would be to everyone's benefit that he and Senator LEAHY, Senator BOND, and Senator SPECTER work with their House counterparts to see if they can work on a package to bring back to us.

What we are facing with this, because of the constraint of time, is that the House has to work with the Senate to come up with something. If that doesn't work out, then the legislation expires. There will be no law on the 15th, and I don't think there is anyone who wants that. No one, with all that has gone on, even though I have complained a few times—well, I think there is no need to point fingers now. We are where we are, and we have to move as quickly as we can and try to finish this bill, including the conference report, next week. We have to do that.

The unanimous consent is not ready yet, so I ask unanimous consent that my friend from Illinois, Senator DURBIN, be allowed to speak for 10 minutes as in morning business; and if one of my colleagues on the other side wants to speak before the vote starts, that is appropriate.

The PRESIDING OFFICER. The Republican leader.

Mr. MCCONNELL. Mr. President, if I can say so, it sounds like a good game plan to me. My understanding is we are going to get started voting here very shortly. Is my understanding correct?

Mr. REID. Well, now, Mr. President, we lost one of them, so we are now down to two rollcall votes and two that can be accepted by voice. So we are two steps forward and one back. So the answer is: Yes, we will have two votes that will be recorded. We should be able to start those in a few minutes.

Mr. DORGAN. Mr. President, will the Senator yield for a question?

Mr. REID. I would be happy to yield.

Mr. DORGAN. Mr. President, I think most Senators will feel good about the significant progress on FISA, and hopefully we will get that completed.

Senator THUNE and I were speaking a moment ago about the other piece of legislation we hope we might finish, when FISA is completed next Tuesday or Wednesday, and that is the Indian Health Care Improvement Act, which we started on the floor of the Senate.

I would ask the Senator: Might we expect to be able to bring that up for a day? We believe we can finish that in a day next week.

Mr. REID. I say to my friend: Is there anything that can be done on that tomorrow or Monday? Has the debate on all the amendments been completed?

Mr. DORGAN. Mr. President, I believe we have worked through most all areas of controversy, where we are waiting on some amendments that I believe Senator COBURN wishes some votes on. But I think we have made a lot of progress on both sides of the aisle to resolve items of controversy. I think if we could get it on the floor for 1 day, we can finish it. And, frankly, there is some urgency to Indian health care issues. As I said, Senators Murkowski, Thune, and others join me in hoping we can include that next week to be completed on the floor of the Senate.

Mr. REID. I ask my friend, the Senator from North Dakota: Is there a way we could have a consent agreement that would give us specific time for any amendments and votes on amendments, and after they are all done, final passage?

Mr. DORGAN. Mr. President, I have been working with Senator KYL and others to try to see if we can reach an agreement on any amendments. I believe there will be very few votes required. I think Senator COBURN has some that may require a couple of votes, but by and large I think we have worked through most of the issues. Senator KYL and Senator THUNE, on that side of the aisle, have been working with me.

But I would very much like to get whatever list or whatever time agreements we need so that we can bring that up. We really do need to finish that next week, following the disposition of FISA, if it is possible.

Mr. REID. I ask my good friend, during those two votes we are going to have in a short time, if we can go to work to see if we could have a specific numbers of amendments, how much time is left on them, we will complete it to final passage.

Mr. KYL. Mr. President, I have been working with the Senator from North Dakota. While we have not surveyed all of the Members on this side, I believe the issues are well known to us; they have surfaced. The three key issues have mostly been worked through, as I understand, and I believe Senator COBURN is willing to put a time agreement on the amendments he has. All of which is to say that I believe, unless there are some votes on our side that have not come forward—and we will certainly inquire—it should be possible to get a time agreement with specific amendments that is not very long and that would result in the bill being concluded in a relatively short time. But we do need to survey the rest of our Members.

Mr. THUNE. Mr. President, I would just echo what my colleague from North Dakota said and would agree that now we will have dealt with FISA and the economic stimulus bill, which I know are matters of great importance and urgency—this is a matter of great urgency to the people we represent. It is long overdue that we get this done. So I will do everything I can on our side to make it possible for us to limit any further amendments or anything that might further delay moving to a final vote.

I appreciate the leader's indulgence, along with my colleague from North Dakota, and would simply ask that when we complete action on this, we move to this bill.

Mr. REID. If I can respond to my three colleagues, originally we thought this bill would take 1 day, and we know it has been bifurcated because of other issues. But I would really think that before we spend another few days on this, we have to do everything we can to see if we can come up with a time agreement to give us a way to get to the end so we can have final passage.

We do not need to speak, as I have, about the drastic needs in Indian territory. We need to do this. So I hope that—my friends, this is certainly a bipartisan piece of legislation—we can work out some time agreements, and part of that will be final passage.

Mr. KYL. I do not know of any reason that cannot be done. There is certainly no intention on our side to take a long time or slow it down. I think the Senator from North Dakota would verify that I have worked to try to resolve issues that are outstanding. It is my belief that this can be done within a time period that is acceptable to the majority.

The PRESIDING OFFICER. (Mr. PRYOR.) The majority leader has a unanimous consent request pending. Is there objection? Without objection, it is so ordered.

#### DOJ STAFF MEMO ON THE FUTURES MARKETS

Mr. DURBIN. Mr. President, I thank the majority leader for requesting 10 minutes for me in morning business.

The State of Illinois is home to some of the most dynamic and innovative financial services firms in the world. For the futures markets, Chicago is a global leader. I pay particularly close attention to the vitality of these markets. It is an important part not only of the economy of my home State but of the economy of our Nation. The work in the futures markets has a direct impact on everything from pork bellies to currencies to the price of oil.

I am deeply disturbed with what has taken place this week within the Department of Justice relative to those futures markets. As we have been told, the staff at the Justice Department recently wrote a memo to the Department of Treasury questioning the structure of clearing and settlement services in the U.S. futures industry. The staff has referred to concerns about restraint on competition and other issues.

What is troubling about this disclosure is that the Department of Justice staffers apparently are claiming that they were simply commenting on a Treasury proposal regarding the overall competitiveness of America's financial markets. But the comment period on the Treasury proposal ended 2 months ago, 2 months before the Department of Justice released this memo, and it is been more than 6 months since that same Department of Justice approved the merger of the Chicago Mercantile Exchange and the Chicago Board of Trade.

Well, people say: So what? Bureaucrats release memos. Who pays any attention to those? Well, let me tell you what happened yesterday. When this memo became public, the price of the Chicago Mercantile Exchange stock declined by over \$100 in 1 day. That reduced shareholders' market capitalization by almost \$6 billion. A memo from the Department of Justice to the Department of Treasury leaked to the Dow Jones Press Service, which became public, cost the Chicago Mercantile Exchange, in 1 day, market capitalization of almost \$6 billion. There was no justification for this memo. The comment period was closed, the Department of Justice had acted on the merger, and there was no reason to release it.

I have joined with my colleague, Congressman RAHM EMANUEL, in sending a letter to Attorney General Mukasey and Secretary Paulson calling on them to not only look at the substance of this memo but also the circumstances. By what right was this staff memo issued in the first place or released to the press?

I want to quote one of the Commissioners of the Commodity Futures Trading Commission. That is the Government agency responsible for regulating these markets. This is what the Commissioner said:

The Department of Justice staffer letter has unfortunately roiled the markets, and this is precisely the kind of behavior that Government regulators are supposed to take ordinary care and attention to avoid.

He is right. I think that letter was entirely inappropriate, and the fact that it was leaked to the press—and I do not know whether it was leaked at Justice or at Treasury—is something that should be investigated. I do not want to read too much into this, but someone who understood the impact of the market and decided to short the stock could have made a lot of money yesterday. I am not saying that occurred, but that is how serious it is, that the stock would go down \$100 in 1 day because of this action. Today, the stock has started to recover. I am glad. But still we have to answer, at the Federal level, why this ever occurred.

These markets are ready to be regulated and examined, and they should be. We want transparency and public trust at every single level. And we know that competition in this market goes far beyond the United States. These are now international and global markets, and the Chicago Mercantile Exchange is the one of the leaders in these markets. They should be closely regulated, closely watched, and should be subject to all of the laws and regulations concerning transparency. But when some staffer at the Department of Justice can take a potshot at this global market and cost them almost \$6 billion in market capitalization in 1 day, I think we have a right to demand accountability.

I am joining with my colleagues in the Senate and in the House in calling on this administration to look into this matter as quickly as possible. I hope to find out why this comment letter was filed 2 months after the Treasury Department deadline if the memo was meant to be related to that effort. I hope to find out if the Department of Justice considered its influence on the markets prior to drafting this letter or leaking this letter, whatever was done.

I hope there is not more to this story than the Justice Department staffers are claiming, but I wonder. That is the reason I have written to these two leaders in the administration asking for a timely response.

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. BOND. 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. BOND. Mr. President, I understand that the bill is to be called back up, the FISA bill; is that correct?

The PRESIDING OFFICER. That would be the regular order.

Mr. BOND. If the proponent of the amendment is ready, I would suggest that we begin the final lap on these amendments.

FISA AMENDMENTS ACT OF 2007—  
Resumed

The PRESIDING OFFICER. The clerk will report the bill.

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.

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.

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.

Feinstein amendment No. 3919 (to amendment No. 3911), to provide for the review of certifications by the Foreign Intelligence Surveillance Court.

Specter-Whitehouse amendment No. 3927 (to amendment No. 3911), to provide for the substitution of the United States in certain civil actions.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

AMENDMENT NO. 3915

Mr. FEINGOLD. Mr. President, this is the amendment we call Use Limits Amendment, amendment No. 3915.

This amendment gives the FISA Court the option of preventing the Government from using information on U.S. persons that it has collected using targeting or minimization procedures that are later found to be illegal.

As the legislation now stands, if the Government uses procedures that are later declared unlawful, there is nothing to stop it from using the information it collected illegally. This does not make any sense, and it takes away any incentive for the Government to develop lawful procedures the first time around. It is also not consistent with the approach FISA takes with other illegally collected information.

If the Government conducts emergency surveillance that is later found to be improper, FISA already prohibits the Government from using that information. Importantly, under my amendment, information about foreigners or information that indicates a threat of death or bodily harm could always be used by the Government, even if it were collected under illegal procedures. The FISA Court also has the discretion to allow the Government to use illegally collected information about U.S. persons.

So it is an extremely modest safeguard, a very reasonable amendment. I urge my colleagues to support it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, I strongly urge my colleagues to defeat amendment 3915. It creates a superexclusionary rule on the intelligence community. The Attorney General and the DNI have advised they will recommend a veto.

It says: By requiring analysts to go back through relevant databases and exact certain information as well as to determine what other information is derived, this requirement places a tremendous burden, an unsurmountable operational burden on the intelligence community. I agree and yield the remainder of my time to the chairman.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. ROCKEFELLER. Mr. President, I would say to the Presiding Officer that this amendment would prevent disclosure or dissemination of any collected information by U.S. persons if the FISA Court finds there are deficiencies in the Government's targeting or minimization procedures under the new authority.

There is no need to add another penalty to ensure compliance with the requirement of the statute. The amendment gives the court very little discretion to determine whether nondisclosure is the appropriate remedy. Nondisclosure could be required even if the information is particularly significant foreign intelligence information, or if there is only a minor deficiency in the procedure that cannot be corrected within 30 days.

It is a very short way of saying that I oppose this amendment strongly.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. REID. I ask unanimous consent that the Senate now resume consideration of the following Feingold amendments, Nos. 3915 and 3913, and that the time until 5:25 p.m. be for debate with respect to these amendments en bloc;

that upon the use or yielding back of time, the Senate proceed to vote in relation to the amendments in the order listed above; that there be 2 minutes of debate prior to the second vote, with all time equally divided and controlled in the usual form, and the second vote 10 minutes in duration; that when the Senate resumes S. 2248 on Friday, February 8, and on Monday, February 11, all remaining amendments be debated and all time used; that on Tuesday, February 12, at a time to be determined, the Senate then proceed to vote in relation to the amendments in an order specified later, with 2 minutes of debate prior to the votes, equally divided and controlled in the usual form, and any succeeding votes in the sequence be limited to 10 minutes; that no further amendments be in order Tuesday; and that upon disposition of all amendments, the Senate vote on the motion to invoke cloture on S. 2248; and that if cloture is invoked on the bill, Senator DODD be recognized to speak for up to 4 hours, Senator FEINGOLD for up to 15 minutes; that upon the conclusion of these remarks and the recognition of the managers for up to 10 minutes each, the Senate then proceed to vote on passage of the bill, and any other provisions of the previous order remain in effect.

The PRESIDING OFFICER. Is there objection?

Mr. BOND. Reserving the right to object, if I could ask the majority leader, I had talked with Senator FEINGOLD and suggested we have 4 minutes equally divided on the next vote so he can have 2 minutes and the chairman and I may each have a minute.

Mr. REID. I accept the modification.

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

## AMENDMENT NO. 3915

Mr. FEINGOLD. How much time do I have?

The PRESIDING OFFICER. The Senator from Wisconsin has 2 minutes.

Mr. FEINGOLD. Mr. President, I wish to respond to the argument of the Senator from West Virginia that this amendment would somehow impose a burden because it would require the Government to identify information about U.S. persons. I wish to be clear, these use limits kick in only if the Government proposes to disseminate and use the information, in which case the bill's minimization procedures already require the Government to identify information about U.S. persons. So I can't for the life of me figure out what the Senator is referring to when he refers to new burdens. My amendment imposes no additional burden at all.

I yield back the remainder of my time.

The PRESIDING OFFICER. Who yields time in opposition?

Mr. ROCKEFELLER. I have already spoken on this amendment.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, we have made our point that it makes no sense to exclude the use of information simply because there is a deficiency, any deficiency in the certification and procedures used to target foreign terrorists overseas.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

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

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

The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

The question is on agreeing to amendment No. 3915.

The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from New York (Mrs. CLINTON), the Senator from New York (Mr. NELSON), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

Mr. KYL. The following Senator is necessarily absent. 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 40, nays 56, as follows:

[Rollcall Vote No. 11 Leg.]

## YEAS—40

Akaka	Feingold	Murray
Baucus	Feinstein	Nelson (FL)
Biden	Harkin	Reed
Bingaman	Kennedy	Reid
Boxer	Kerry	Salazar
Brown	Klobuchar	Sanders
Byrd	Kohl	Schumer
Cantwell	Lautenberg	Stabenow
Cardin	Leahy	Tester
Casey	Levin	Webb
Conrad	Lincoln	Webb
Dodd	McCaskill	Whitehouse
Dorgan	Menendez	Wyden
Durbin	Mikulski	

## NAYS—56

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

## NOT VOTING—4

Clinton	Nelson (NE)
McCain	Obama

The amendment (No. 3915) was rejected.

Mr. REID. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. REID. Mr. President, I ask unanimous consent that Senators LEAHY and SPECTER, managers on the part of the Judiciary Committee, be recognized for up to 20 minutes on Tuesday, February 12, postcloture.

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

There is now 4 minutes equally divided before the next vote.

Who yields time?

The Senator from Wisconsin is recognized.

## AMENDMENT NO. 3913

Mr. FEINGOLD. Mr. President, the reverse targeting amendment No. 3913 was approved by the Senate Judiciary Committee and is cosponsored by several of my colleagues. It simply ensures that the new authorities contained in this bill are not used to engage in what is known as reverse targeting of Americans here at home. FISA requires the Government to get a court order when it is wiretapping Americans on American soil. Reverse targeting refers to the possibility that the Government will try to get around this requirement by using these new authorities to wiretap someone overseas, when what the Government is trying to do and is interested in is the American with whom that foreign person is communicating.

The bill pretends to ban reverse targeting, but this ban is so weak as to be meaningless. It would allow reverse targeting as long as the Government can claim it has some interest, however minor, in the foreigner it is wiretapping. The amendment says the Government needs an individualized court order when a significant purpose of the surveillance is to acquire communications of a person inside the United States.

The Director of National Intelligence has testified that this practice, reverse targeting, is a violation of the fourth amendment. That is what the DNI says. This amendment merely codifies that constitutional principle.

I strongly urge my colleagues to support this important amendment.

Mr. BOND. Mr. President, I yield 1 minute on our side to the chairman of the committee.

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

Mr. ROCKEFELLER. Mr. President, this turns the bill on its head. This says if we are targeting folks overseas, that in effect we have to get a FISA Court approval for each and every time that happens.

Let me say the amendment causes enormous operational problems for intelligence professionals. They are very serious about it. The DNI and the Attorney General say it will hamper U.S. intelligence authorizations currently authorized because every single person would have to have a court order, and

when you are collecting overseas, that becomes kind of a burden.

While the technical details concerning such intelligence operations are classified, the concern is that the restriction would prevent the Government from doing intelligence collection against a foreign city, or a neighborhood in a foreign city, in advance of a military operation or perhaps in pursuit of a terrorist cell.

The amendment is unnecessary, and I urge its defeat.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. BOND. Mr. President, there is an explicit bright-line prohibition against reverse targeting in the current bill. As the DNI said, it would be in violation of the fourth amendment. But Senator FEINGOLD wants to replace this test with one that would make analysts engage in mental gymnastics, trying to figure out if “a significant purpose” is to target someone inside the United States. This significant purpose throws in an additional concern: The analysts who gather and examine intelligence need clear rules, not an ambiguous significant purpose standard.

The adoption of this amendment is seriously detrimental to the operation of our analysts and the DNI and the Attorney General would recommend a veto if it is adopted.

We worked hard, and we have a good bipartisan bill that significantly adds to the protections of civil liberties. We need to pass this bill. I join with my colleague from West Virginia, the chairman of the committee, in urging our colleagues to oppose the amendment.

I yield the floor.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Mr. President, we have made progress on FISA. We have more progress to make. It appears to me that this will be the last recorded vote. We have a number of other measures we are going to try to dispose of on this bill. I know we have at least one of Senator BOND’s amendments that will be disposed of by voice vote. We have an agreement that we will move this bill forward for passage on Tuesday.

On Tuesday, everyone, there will be no morning business. We will come in at 10 o’clock on Tuesday and start right on FISA, and hope by that time to have all of the debate completed on this legislation.

Again, this will be the last vote today. I appreciate everyone’s good, hard work this week and look forward to next week.

Mr. FEINGOLD. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. If all time is yielded back, the question is on agreeing to the amendment. The yeas and nays are ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from New York (Mrs. CLINTON), the Senator from Nebraska (Mr.

NELSON), the Senator from Illinois (Mr. OBAMA), and the Senator from North Dakota (Mr. DORGAN) are necessarily absent.

Mr. KYL. The following Senator is necessarily absent. The Senator from Arizona, (Mr. MCCAIN).

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

The result was announced—yeas 38, nays 57, as follows:

[Rollcall Vote No. 12 Leg.]

YEAS—38

Akaka	Dodd	Mikulski
Baucus	Durbin	Murray
Bayh	Feingold	Nelson (FL)
Biden	Harkin	Reed
Bingaman	Kennedy	Reid
Boxer	Kerry	Sanders
Brown	Klobuchar	Schumer
Byrd	Kohl	Stabenow
Cantwell	Lautenberg	Tester
Cardin	Leahy	Webb
Carper	Levin	Whitehouse
Casey	McCaskill	Wyden
Conrad	Menendez	

NAYS—57

Alexander	Domenici	Martinez
Allard	Ensign	McConnell
Barrasso	Enzi	Murkowski
Bennett	Feinstein	Pryor
Bond	Graham	Roberts
Brownback	Grassley	Rockefeller
Bunning	Gregg	Salazar
Burr	Hagel	Sessions
Chambliss	Hatch	Shelby
Coburn	Hutchison	Smith
Cochran	Inhofe	Snowe
Coleman	Inouye	Specter
Collins	Isakson	Stevens
Corker	Johnson	Sununu
Cornyn	Kyl	Thune
Craig	Landrieu	Vitter
Crapo	Lieberman	Voinovich
DeMint	Lincoln	Warner
Dole	Lugar	Wicker

NOT VOTING—5

Clinton	McCain	Obama
Dorgan	Nelson (NE)	

The amendment (No. 3913) was rejected.

Mr. BENNETT. I move to reconsider the vote.

Mr. SALAZAR. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. SALAZAR. 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. BOND. Mr. 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. 3941, AS MODIFIED

Mr. BOND. Mr. President, I call up amendment No. 3941, as modified, the Rockefeller-Bond amendment.

The PRESIDING OFFICER. The amendment is pending.

Mr. BOND. Mr. President, this amendment modifies a provision of the Protect America Act. I think, along with my colleague, the chairman of the committee, it makes a lot of sense. It lays out a process for the FISA Court to conduct a review of a petition from an electronic communication service

provider challenging a directive from the Government in review of a petition by the Government to enforce compliance with its directive. Having the court conduct expedited reviews of these petitions, whether from the provider or from the Government, is in everyone’s best interest.

These questions are essential to be resolved one way or the other for the protection of the private partners, as well as the protection of our national security. As long as challenges of enforcement proceedings remain pending before the court, the intelligence community cannot intercept terrorist communications through that provider. Those are not unreasonable requirements. Rather, it reflects the judgment of this body and the other in the area of national security that important decisions that go to the heart of our intelligence production should be made on an expedited basis.

The DNI and the Attorney General advised us they strongly support this amendment because it would “ensure challenges to directives and petitions to compel compliance with directives are adjudicated in a manner that avoids undue delays in critical intelligence collection.” We could not agree more.

I hope we will be able to accept this amendment.

I yield the floor to my distinguished chairman.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. ROCKEFELLER. Mr. President, my remarks are only to indicate strong support for this amendment. It is a wise modification. As far as I know, there are none who are in dissent. I hope it will be accepted.

The PRESIDING OFFICER. All time is yielded back. The question is on agreeing to amendment No. 3941, as modified.

The amendment (No. 3941), as modified, was agreed to.

Mr. BOND. I move to reconsider the vote.

Mr. BENNETT. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BOND. Mr. President, we have made some progress today. We have laid out, through the good work of the leadership of this body, with Senator REID and Senator MCCONNELL, a means of going forward on Tuesday. We have now had over 2 weeks of debate on FISA. I think not only the fact that everything that could be said pro and con of all the amendments has been said, but I believe we have given everybody a chance to say it.

The good news is that when Tuesday comes around, we will have short time agreements and proceed to vote on these critically important amendments, and then we hope cloture and, if cloture is invoked, final passage, with everybody having an opportunity to express themselves.

Again, I personally express my thanks to the leadership, to the members of the committee who stood with

us and our staff, and I thank our colleagues for letting us come to this position where we see the end in sight.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. ROCKEFELLER. Mr. President, in every respect, I second the words of the vice chairman of the Senate Intelligence Committee. Speaking for this Senator, in the course of last year, this Senator has spent 6 months working on the children's health insurance bill with staff who do so much work that they sleep 2 or 3 hours a night, including the weekends, and achieved nothing. We have had, in a sense, the same process on the FISA bill. It is very complicated because it is a very delicate subject and requires this very difficult balance between intelligence collection for the security of the Nation and civil liberties of the people.

I am extremely proud of the way the vice chairman and others, particularly the majority leader and the minority leader, have conducted this affair. It took quite some time to get it going. I do believe I also see light at the end of the tunnel. I think if we do our work on Tuesday, we will have time to conference this bill with the House and send a bill to the President. In any event, I am grateful, particularly to the staff whose work is never mentioned enough.

The PRESIDING OFFICER. The Senator from Utah.

Mr. BENNETT. Mr. President, I ask unanimous consent that I might be allowed to proceed as in morning business for the next 5 minutes.

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

#### CONGRATULATIONS TO SENATOR JOHN MCCAIN AND GOVERNOR MITT ROMNEY

Mr. BENNETT. Mr. President, this afternoon, I and a number of others who have been supporting Gov. Mitt Romney for the Presidency of the United States met with the Governor and his good wife Ann to have a post-mortem following his announcement that he was suspending his campaign.

I was perhaps the first Member of this Chamber to announce my public endorsement of Governor Romney, so I wish to be among the first to extend my congratulations to Senator MCCAIN, who has now, by virtue of Governor Romney's suspension of his campaign, locked up the Republican nomination.

We all have our understanding of Senator MCCAIN's persistence and his determination to go forward in what he considers to be a good cause. There has never been a demonstration of the importance of that persistence quite as dramatic as his comeback from this campaign.

We can remember the time when all of the pundits and, frankly, all the rest of us, myself very much included, wrote off the McCain campaign, assuming that Senator MCCAIN was lying

dead in the gutter by the side of the road. I remember talking with some of his supporters in this Chamber at that time who said the McCain campaign is reeling and we don't know whether it is going to ever come back. I remember the rumors that flowed around this town, where people said: We cannot raise any money for the McCain campaign. No one wants to contribute to a lost cause.

JOHN MCCAIN, perhaps alone—maybe he had the support of his wife; I assume he did—said: No, I am going to go forward. He picked himself off, took himself off to New Hampshire, and did the same kind of thing he did 8 years ago when he ran against President Bush. In this case, he not only won New Hampshire, but he was able to expand that to wins elsewhere, to the point where we have the result today. So he deserves our congratulations as we recognize this truly extraordinary political accomplishment on his part.

I share with my colleagues this comment from Governor Romney. As those of us were supporting him from both the House and the Senate were gathered around him and talking about this, he shared with us this particular insight. He looked at what has happened. He sat down with his supporters. He looked for all the reasons why he should feel good. They pointed out he had won 4 million votes in the various primaries and caucuses and Senator MCCAIN had won 4.7 million. So in terms of the voters who supported him, he was not that far behind. He had won 11 States. Senator MCCAIN had won 13. So on that basis, he was not that far behind.

But the cold calculating reality of it was he was very far behind as far as the delegates were concerned. So he said to his advisers and his political consultants: What would it take for me to win the nomination? And they said to him very bluntly: You must destroy JOHN MCCAIN. That was not his word. I don't remember his exact word, but you must go negative, to use the vocabulary of the political consultant, in such a way as to make it impossible for JOHN MCCAIN to proceed with the confidence of the American people. Governor Romney said: I am not going to try that. Even if it might work, I don't want to try that. I don't want to do that. And he made the decision that was announced today.

Along with my congratulations to Senator MCCAIN on his extraordinary achievement and his assuming the position now as the obvious Republican nominee, I also congratulate my friend, Mitt Romney, on the graciousness with which he recognized what was happening and his willingness to withdraw now rather than drag the party on into a protracted fight that would make it very difficult for Senator MCCAIN to take control of the levers of power in the party and organize himself for the fight in the fall.

These are two good men, each one of different views, each one of very dif-

ferent background, each one of which would bring a different set of talents to the Presidency, each one of which has now exposed himself to the fire of the primary process. One has emerged victorious; the other has recognized that and stepped aside. I think it is a demonstration that the American political system, however messy, works.

Again, I extend my congratulations to Senator MCCAIN.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

#### MORNING BUSINESS

Mr. DURBIN. Mr. President, 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.

#### SERVICE OF PAGE SAM WOHS

Mr. LEVIN. Mr. President, the Senate Page Program has been an integral part of the functioning of the Senate since its inception in 1829. Senate pages are always on the Senate floor when the Senate is in session, helping to ensure that the proceedings in the Chamber run smoothly and efficiently. Pages also are asked to complete a variety of other tasks when the Senate is not in session. We ask a lot of our Senate pages, and they always respond. A page is not only expected to serve the needs of the Senate, which is an important and time-consuming task, but also is expected to attend school and complete the necessary requirements of a high school junior.

Senator Daniel Webster selected the first Senate page. In those days, as is the case today, a page was chosen and sponsored by a Senator. There is a long and fine tradition of pages chosen by Michigan Senators, and I am proud to have sponsored many pages that have ably and responsibly served the Senate.

Sam Wohns, Michigan's most recent Senate page, completed his service as a Senate page last month with dedication and enthusiasm. Sam is a part of a fine tradition and a select group that has had the privilege to serve as a Senate page. He has proven through his hard work in the Senate and through his many successes in the past that he, like many of his peers, are some of our nation's best and brightest. This experience has prepared him well to meet future challenges, as it has for the many that have preceded him.

Each semester the Senate Page School conducts an essay competition. Every page is given the opportunity to

submit an essay that reflects their thoughts about their experience as a page. The winner earns the right to deliver that essay at the closing ceremony for his or her page class. Sam Wohn's essay was selected as the winning essay last month, and it is clear from his essay that this past semester has had a positive and inspirational impact on him and his fellow pages.

It is a distinct honor to be chosen as a Senate page, and the work that this page class has done is valued by all of us in the Senate. I know my colleagues join me in thanking each Senate page for a job well done. I look forward to hearing about their many successes in the future.

I ask unanimous consent to have the text of Sam Wohn's speech at the closing ceremony of his page class last month printed in the CONGRESSIONAL RECORD.

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

Good morning. It's hard for me to believe that today is our last day of Paging. Part of me feels like I just arrived. I still have so much to learn about our political process and there is still so much more that I want to do in DC. On the other hand, part of me feels like I've been here for years. I'm fully adjusted to dorm life, shortened class periods, and the demands of working at the Senate.

While I had dreamt of nearly every aspect of being a Page before I first stepped foot in Webster Hall, I hadn't imagined having to leave. Knowing that I'll never again have the opportunity to bring a senator a glass of water or to rush back early from dinner to open doors during a rollcall vote is disheartening, but knowing that I'll have the friendship of my fellow Pages for years to come is encouraging.

The other Pages from all around the country have enriched my experience more than anything else. And while I did learn the particulars of parliamentary procedure, the proper way to set up an easel, and how to operate on five hours of sleep a night, the most important lesson of this semester has been the value of teamwork. The bond between all of the Pages made no challenge insurmountable and made no hardship unbearable. Without that support network, I think my experience as a Page would have been very different.

As I was preparing this speech, I came across an email that I sent to my parents in the summer after my freshman year. I described the Page Program as a "flawless utopia" in that email. After taking Advanced Composition this semester I know that my word choice, "flawless utopia," was a little redundant, but I think you get the idea—I had high expectations. I expected nothing short of an amazing experience, and my experience was nothing short of amazing.

Yet, it wouldn't have been as rewarding if it wasn't as challenging as it was. The weeks when I didn't get done with work until ten o'clock at night were the most memorable. I'll never forget the last night of rollcall votes when the senate was in session until after midnight or the last day of legislative business when Senator Levin showed all of the Pages his favorite signatures inside the desks on the floor. I worked long hours, but it certainly didn't seem like work.

I consider this semester a gift. I feel so fortunate to have been a student in each of my teacher's classrooms, to have made so many

great friends, and to have played a role in the functioning of the world's most powerful legislative body. This semester has been a gift of knowledge from my teachers, a gift of friendship from all of the other pages, and a gift of new awareness and perspective that I gained from the many responsibilities all of us Pages shared at the Senate and at Webster Hall.

Like most gifts in Washington, this one has strings attached. As former Pages, we'll have obligations that we didn't have before. Our firsthand knowledge of the legislative process obligates us to stay informed of current events, our new awareness of some of the deep injustices in the world obligates us to do what we can to address them, and our work experiences obligate us to share our many stories with friends and family.

Many people have told me that a semester of Paging is similar to the first semester of college. I can only hope that my college experience is as memorable as the last four and a half months. It has been an honor and privilege to serve with you all. I will miss you and yet I know that we are inexorably connected for a lifetime.

#### TRIBUTE TO ROBERT BALL

Mr. KENNEDY. Mr. President, all of us who knew Robert Ball are saddened by his death last week. For many of us in Congress and for tens of millions of Americans in recent decades, Bob Ball was Mr. Social Security. He deserves immense credit not only for his indispensable leadership in making it the most successful and most beloved social program in the nation's history, but also for doing so much over the years to keep it that way when some in high places sought to undermine it.

President Kennedy named Bob as Commissioner of Social Security in 1962, the same year I came to the Senate, and I know my brother would regard him as one of his finest appointments. Bob's leadership was indispensable in maintaining the strength of Social Security in the 1960s and dramatically expanding it to include Medicare and disability benefits. Countless times over the years, I have benefited from Bob's extraordinary wisdom, experience and friendship.

Bob stepped down as Commissioner in 1973, but he never really retired. He was a key member of the Greenspan Commission on Social Security reform in the early 1980s, and in 1986 he founded the National Academy of Social Insurance, whose studies and publications have been an invaluable policy resource for all of us in Congress on Social Security, Medicare, and other important social programs such as workers' compensation and unemployment insurance. Through its awards and internships, the Academy has inspired many young people in government, the private sector and universities to devote themselves to these issues as he did.

As recently as last fall, at the age of 93, Bob was sending out to his extensive mailing list his ideas for protecting and financing Social Security, backed up, as they always were, by sound cost estimates provided by loyal Social Security employees who are still deeply inspired by Bob.

I will miss Bob very much, and I extend my deepest condolences to his wife Doris and all his children, grandchildren, and great-grandchildren. Bob Ball was one of a kind. Few if any in the long history of our country have done so much for so many for so long.

Mr. President, I ask unanimous consent that last Friday's obituary in the New York Times on Bob Ball be printed in the RECORD.

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

[From the New York Times, Feb. 1, 2008]

ROBERT M. BALL IS DEAD AT 93; LED SOCIAL SECURITY

(By Dennis Hevesi)

Robert M. Ball, the commissioner of Social Security in the Kennedy, Johnson and Nixon administrations, an architect of Medicare and an influential opponent of privatizing Social Security, died Wednesday at his home in Bowie, Md. He was 93.

The cause was congestive heart failure, his son, Jonathan, said.

"Bob Ball left an indelible mark on the Social Security program and the agency in that he played a critical role in the establishment of Medicare," the current commissioner, Michael J. Astrue, said Wednesday in a statement. "His commitment to Social Security was unequaled."

Mr. Ball was commissioner from 1962 to 1973, but his advocacy for preserving the program went well beyond his retirement from public service.

In 1981, he represented the speaker of the House, Thomas P. O'Neill Jr., Democrat of Massachusetts, on the National Commission on Social Security Reform.

Called the Greenspan Commission, for its chairman, Alan Greenspan, who later became chairman of the Federal Reserve, it was created by President Ronald Reagan at a time when Social Security faced financial problems. High inflation and high unemployment were significantly decreasing revenues.

Mr. Reagan wanted a report by the end of 1982, but the commission was deadlocked along partisan lines. Behind the scenes, Mr. Ball negotiated with James A. Baker III, Mr. Reagan's chief of staff, and Richard G. Darman, a deputy Treasury secretary.

Weeks before the deadline, they came up with a compromise, a complex balance of tax increases and benefit cuts that was acceptable to the president and to Mr. O'Neill. Those 1983 amendments remain the most recent substantial changes to the system.

In 1996, Mr. Ball was a member of a Social Security advisory council that was considering partial privatization of the system, a precursor to the broader plan that President Bush would propose eight years later. The council chairman, Edward M. Gramlich, a Federal Reserve board member, favored the plan. But Mr. Ball managed to place so many other issues before the council that privatization was kept off the table.

Still, privatization became a centerpiece of Mr. Bush's re-election campaign in 2004. The president wanted to allow workers to divert part of their Social Security payroll taxes into private accounts. Opponents, including Mr. Ball, said the Plan would leave the system under-financed.

"Bob Ball essentially set up a war room in his living room; a phone, a fax machine and his big Rolodex," Thomas N. Bethell, the editor of Mr. Ball's 2000 book, "Insuring the Essentials: Bob Ball on Social Security" (Century Foundation Press), said on Thursday. "He wrote position papers, broadsides and papered Capitol Hill with them."

Mr. Ball said the system was not facing financial disaster, as the president contended, and could be strengthened by, among other measures, raising the level of wages that could be taxed for Social Security, which is currently capped at \$102,000. With Democrats in the majority since the elections of 2006, Congress has not addressed privatization.

Robert D. Reischauer, a former director of the Congressional Budget Office, said Mr. Ball's influence was potent. "For years he has been one of the strongest defenders of the existing structure," Mr. Reischauer said Thursday. "He provided the intellectual firepower to those who want to preserve it."

Robert Myers Ball was born in Manhattan on March 28, 1914, the son of Archey and Laura Crump Ball. His father was a Methodist minister. Mr. Ball graduated from Wesleyan University with a degree in English in 1935, and an official for three presidents and an architect of Medicare. year later earned a master's degree there in economics.

Besides his son, Jonathan, of Cazenovia, N.Y., Mr. Ball is survived by his wife of 71 years, the former Doris McCord; a daughter, Jacqueline Ball Smith of Meredith, N.H.; three grandchildren and four great-grandchildren.

Mr. Ball first worked as a Social Security field assistant in New Jersey in 1939. In 1947 and 1948, he was staff director of the Senate Finance Committee's advisory council on Social Security, playing a crucial role in shaping legislation that significantly expanded coverage and benefits. In 1949, he rejoined the Social Security Administration and began rising through the ranks. President John F. Kennedy appointed him commissioner in 1962.

As commissioner, he played significant roles in creating and winning enactment of Medicare, which provides health insurance to people 65 and over, and the Social Security disability program.

Recently, Mr. Ball had called on all presidential candidates to vow not to cut Social Security benefits. Last October, in an op-ed article in *The Washington Post*, he wrote: "Social Security is the nation's most effective antipoverty program. But it's much more than that. For every worker it provides a solid base on which to try to build an adequate level of retirement income. To weaken that foundation would be grossly irresponsible."

#### NATIONAL DEFENSE UNIVERSITY

Mr. WARNER. Mr. President, I rise today to recognize the importance of the National Defense University, NDU, and its contribution to our national security. Since 1976, the NDU has been the premier center for Joint Professional Military Education. Under the direction and leadership of the Chairman of the Joint Chiefs of Staff, NDU provides an educational and research environment to prepare future leaders of the armed services, the Department of State, other civilian agencies, and allied countries for high-level policy, command, and staff responsibilities. In addition, a limited number of students from private industry attend the university. Members of both Houses of Congress have benefitted from interactions with students and experts on the NDU campus. Students are selected for their leadership potential and many NDU alumni have gone on to senior leadership positions in their service, agency, or country.

NDU is a center for joint, multi-national, and interagency education. It is comprised of the National War College, NWC; Industrial College of the Armed Forces, ICAF; Joint Forces Staff College, JFSC; Information Resources Management College, IRMC; School for National Security Executive Education, SNSEE; Institute for National Strategic Studies, INSS; Center for the Study of Weapons of Mass Destruction, CSWMD; Center for Technology and National Security Policy, CTNSP; Institute for National Security Ethics and Leadership; and five special programs: Capstone/Pinnacle/Keystone, Joint Reserve Affairs Center, JRAC; International Student Management Office, ISMO; Secretary of Defense Corporate Fellows Program, SDCFP; and the NATO Staff Officer Orientation Course, NSOOC.

With facilities located in Washington, DC, and Norfolk, VA, more than 1,000 people attend university courses and programs on any given day. NDU is an accredited graduate-level university awarding approximately 600 masters degrees each year. Through agreements with a number of universities, IRMC students can earn 15 graduate credits for work completed at NDU.

At NDU, students are taught how to think—not what to think. The curriculum combines information technology, classroom experience, and experiential learning. Through lecture programs, students gain important insights from top military, government, industry, and international leaders to include the President of the United States, Cabinet-level officials, the Joint Chiefs of Staff, commanders from major military commands, Members of Congress, civilian leaders, and foreign ministers of defense. Speakers talk frankly with students under the University's nonattribution policy allowing a free exchange of ideas.

Annually, NDU's outreach efforts include more than 500 conferences, symposia, and workshops; 20,000 visitors; 120 faculty and staff publications; and 350 conference presentations by university faculty and staff to both national and international audiences.

The award-winning NDU Press produces numerous publications, which address national security issues. The NDU Library with a collection of more than 500,000 bound items, audiovisual materials, classified documents, and on-line services is an extensive source for information about national security policy, military strategy, defense resource management, and industry studies.

The National Defense University is a significant and valuable institution for the development of leaders for America's national security needs.

#### DEFENSE ADVANCED RESEARCH PROJECTS AGENCY

Mr. WARNER. Mr. President, I rise today to recognize the Defense Ad-

vanced Research Projects Agency on its 50th anniversary. Today, DARPA celebrates 50 years of innovation and dedication to America's security.

After the Soviet launch of Sputnik, President Dwight D. Eisenhower was determined to ensure this nation was never again surprised by the technological accomplishments of an adversary. On this day in 1958, a central research and development organization, known then as the Advanced Research Projects Agency, or ARPA, and unlike any organization in the world, was created within the Department of Defense.

From the very beginning, its mission has been to ensure that the United States Armed Forces have access to the most advanced war fighting capabilities by developing ideas that many would consider too risky to implement. DARPA's mission is about making smart investments on high-payoff opportunities, and it has been very successful.

Over the past 50 years, DARPA has delivered to our country innovative technological achievements that have given American Forces never-before-seen capabilities. I also note that this achievement has not come without tremendous sacrifice by thousands of DARPA employees and their families as they worked long days to solve challenging scientific matters.

DARPA's notable achievements include early ballistic missile defense, stealth aircraft technology, unmanned aerial vehicles, and autonomous navigation. The benefits of DARPA's efforts have evolved in many ways, from the rocket engines that powered the first manned space flight to the smallest microelectronics in our cell phones today. DARPA also helped develop the Internet, and built the small receivers that made the global positioning system data easily accessible—both have changed the ways our forces operate, and have also changed the lives of all Americans for the better. Entire industries have developed from early DARPA-funded research in core technologies such as material sciences, microelectronics, photonics, and information technology.

I congratulate DARPA for its service to our Nation. The Agency's commitment and contributions over the past 50 years have made DARPA the crown jewel in our nation's national security and we look forward to the achievements they will continue to make for future generations.

As DARPA begins its work for the next 50 years, it is important that we do everything possible to help DARPA continue its tradition of excellence, and thus keep our Nation strong.

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

#### VOTE EXPLANATION

• Mr. NELSON of Nebraska. Mr. President, I was unable to cast my vote on Thursday, February 7, 2008. As a result,

I would ask that the RECORD reflect the following:

On vote No. 9, if present and voting, I would have voted "yea."

On vote No. 10, if present and voting, I would have voted "yea."

On vote No. 11, if present and voting, I would have voted "no."

On vote No. 12, if present and voting, I would have voted "no."•

#### ADDITIONAL STATEMENTS

##### REMEMBERING VI STOIA

• Mr. JOHNSON. Mr. President, today I wish to honor the life of Viorel G. "Vi" Stoia, who dedicated his life to enhance the lives of the citizens of Aberdeen and the surrounding area. He will be sadly missed, but many of us will continue to benefit for decades from his legacy.

Vi's leadership qualities showcased themselves early in his life. Vi graduated from Aberdeen Central High School in 1942 as president of his senior class. He then served honorably in the U.S. Navy in both the North and South Pacific. He returned to the United States to attend the University of Minnesota and upon graduation headed for his hometown of Aberdeen, SD. Thus began his long role of public service, which several have described as unparalleled.

Vi began his career in Aberdeen as an agent and broker for Northwestern Mutual Life and continued to work tirelessly for over 50 years to improve the northeast South Dakota region. Some of the numerous projects he was instrumental in developing include Student Loan Finance Corporation, Education Assistance Corporation, Northeastern Mental Health, the Aberdeen Development Corporation, Northeast Regional Health and Fitness Center, the North-west Highway 281 bypass, and the four-lane highway from Aberdeen to I-29. Vi was also a devoted family man, an active member of St. Mary's Catholic Church, and committed to furthering the work of the Presentation Sisters.

For his efforts over these many years, Vi was awarded the Medal of Distinguished Excellence, and the Community Volunteer, Excellence in Economic Development award. Vi was the all-around resource center for anything going on in Aberdeen. Many benefited from the newspaper clippings he sent or handed to people he thought could use them. I remember some he sent to me. Vi was a pioneer in regional development and he saw that as the future of Aberdeen.

Vi is survived by his wife Donna, four children, and five grandchildren. I would like to offer my condolences to the family, friends, and fellow advocates whom Vi touched with his efforts on behalf of the people of northeast South Dakota. They have much to be proud of, and it is my hope that their memories will be rich with the many great accomplishments and the lives

that Vi touched during his life. Although we will all miss him, his memory will serve as a beacon to our young people to better the lives of others and their communities through the examples he has set.●

##### RECOGNIZING BILL STEWART

• Mr. ROCKEFELLER. Mr. President, today I recognize the achievements of someone who has inspired me personally, who has made West Virginians laugh when there is little to laugh about, and whose contribution to my home State cannot be underscored enough.

When New Martinsville native Bill Stewart led the West Virginia Mountaineers into the Fiesta Bowl, he did more than just defeat the Oklahoma Sooners 48-28. "Coach Stew," as his fans reverently call him, lifted the spirits of our entire State.

Since that time, Bill's West Virginia charm has been infectious, his press conferences legendary, and his impact on our State's culture profound. Anyone who has played or worked with him loves him. His arrival on the scene was exactly what the State needed: a good-natured underdog with which people could identify.

For West Virginians, December 2007 had been abysmal. Not only did we lose a chance at the National Championship, but we lost our coach, endured endless ridicule in the media, were constantly told that Oklahoma would embarrass us—the negativity never seemed to stop.

But then Coach Stew stood up, stood proud, and said, with his trademark smile, "When it gets too tough for everyone else—it's just about right for Billy Stewart."

And he was absolutely right.

Now, every time I go home, West Virginians cannot emphasize enough the amount of pride they felt when this coach guided their team into the Fiesta Bowl. West Virginians will never forget Bill's optimism, when he promised to give the Sooners a good fight; his emotion, when he met quarterback Patrick White at the sideline, grabbed him by the helmet and seemed to say, "I love you, kid"; his satisfaction, as he watched his team storm the field, victorious; or his own surprise, when WVU rewarded Bill with the Mountaineers' head coaching job—a position for which he was too humble to politic, but more than qualified to accept.

These were iconic moments in West Virginia history—and they pulled right on the heart strings.

The degree of humility in this coach was absolutely awe-inspiring; his faith jaw-dropping; and his devotion to his players and colleagues nothing short of extraordinary. Since those memorable days in Arizona, Coach Stew has assembled a top-notch staff, maintained an impressive recruiting class, and recaptured the heart—not just the attention—of Mountaineer Nation.

To me, Bill Stewart embodies all that is good about West Virginia. An

unlikely but deserving hero, he is a man whose cheerful optimism, character and Appalachian charm have given us a reason to cheer again.

For that, I express my deepest gratitude and deepest admiration to New Martinsville's favorite son. I am glad that he is a fellow West Virginian, I am glad that he is a part of our culture, and I wish him the absolute best of luck.●

##### RECOGNIZING THE DESORMEAUX FOUNDATION

• Mr. VITTER. Mr. President, I wish to acknowledge the work of the Desormeaux Foundation and in particular to commend their annual Life Banquet, which helps support their efforts to assist women with unplanned pregnancies.

The Foundation runs the St. Marguerite d'Youville Home for pregnant women and mothers in crisis. The home welcomes them with a peaceful, secure setting that offers spiritual guidance and access to educational, medical, and professional resources.

Over the years, the Desormeaux Foundation has worked tirelessly on efforts like this to advance pro-life values, and I am greatly appreciative of the constant vigilance by the Desormeaux Foundation in helping advance these values.

I commend the foundation for their hard work to support agendas that protect human life, like banning partial-birth abortions, outlawing abortion drugs, and preventing taxpayer dollars from funding abortions, as well as strongly supporting adoption and crisis pregnancy centers.

The Desormeaux Foundation's work is helping promote the culture of life, and I would like to applaud the good people of the Desormeaux Foundation and wish them continued success in their mission.●

##### MESSAGE FROM THE PRESIDENT

A message from the President of the United States was communicated to the Senate by Mrs. Neiman, one of his secretaries.

##### EXECUTIVE MESSAGE REFERRED

As in executive session the Presiding Officer laid before the Senate a message from the President of the United States submitting a withdrawal of a nomination which was referred to the Committee on Health, Education, Labor, and Pensions.

(The nomination received today is printed at the end of the Senate proceedings.)

##### MESSAGE FROM THE HOUSE

At 2:00 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bill, without amendment:

S. 781. An act to extend the authority of the Federal Trade Commission to collect Do-Not-Call Registry fees to fiscal year 2007.

The message also announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 273. Concurrent resolution recognizing the 50th Anniversary of the National Academy of Recording Arts & Sciences.

H. Con. Res. 287. Concurrent resolution 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 message further announced that 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 Speaker appoints 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 6-year term expiring February 11, 2014: Mr. Todd Gaziano of Falls Church, Virginia.

#### MEASURES REFERRED

The following concurrent resolutions were read, and referred as indicated:

H. Con. Res. 273. Concurrent resolution recognizing the 50th Anniversary of the National Academy of Recording Arts & Sciences; to the Committee on the Judiciary.

H. Con. Res. 287. Concurrent resolution 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; to the Committee on Commerce, Science, and Transportation.

#### 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-4961. A communication from the Director, Regulatory Review Group, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "2005-2007 Livestock Compensation and Catfish Grant Programs" (RIN0560-AH72) received on January 29, 2008; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4962. A communication from the Director, Regulatory Review Group, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Regulatory Streamlining of the Farm Service Agency's Direct Farm Loan Programs; Correction" (RIN0560-AF60) received on January 29, 2008; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4963. A communication from the Director, Regulatory Review Group, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Emergency Agricultural Assistance, 2007; Crop Disaster and Livestock Indemnity Programs" (RIN0560-AH76) received on January 29, 2008; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4964. A communication from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Payment Withholding—Deletion of Duplicative Text" (DFARS Case 2007-D010) received on January 29, 2008; to the Committee on Armed Services.

EC-4965. A communication from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Combating Trafficking in Persons" (DFARS Case 2004-D017) received on January 29, 2008; to the Committee on Armed Services.

EC-4966. A communication from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Closeout of Contract Files" (DFARS Case 2006-D045) received on January 29, 2008; to the Committee on Armed Services.

EC-4967. A communication from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Commercial Item Determinations" (DFARS Case 2007-D005) received on January 29, 2008; to the Committee on Armed Services.

EC-4968. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting, pursuant to law, a report relative to the needs of members of the National Guard and Reserve returning from deployment; to the Committee on Armed Services.

EC-4969. A communication from the Secretary of Commerce, transmitting, pursuant to law, a report relative to the Department's foreign policy-based controls; to the Committee on Banking, Housing, and Urban Affairs.

EC-4970. A communication from the Legal Information Assistant, Office of Thrift Supervision, transmitting, pursuant to law, the report of a rule entitled "Identity Theft Red Flags and Address Discrepancies Under the Fair and Accurate Credit Transactions Act of 2003" (RIN1550-AC04) received on January 29, 2008; to the Committee on Banking, Housing, and Urban Affairs.

EC-4971. A communication from the Counsel for Legislation and Regulations, Office of Housing, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled "FHA Appraiser Roster Requirements" (RIN2502-AI53) received on January 29, 2008; to the Committee on Banking, Housing, and Urban Affairs.

EC-4972. A communication from the Director, Office of Legislative Affairs, Federal Deposit Insurance Corporation, transmitting, pursuant to law, the report of a rule entitled "Rules of Practice and Procedure" (RIN3064-AD22) received on January 29, 2008; to the Committee on Banking, Housing, and Urban Affairs.

EC-4973. A communication from the Director, Office of Legislative Affairs, Federal Deposit Insurance Corporation, transmitting, pursuant to law, the report of a rule entitled "Community Reinvestment Act Regulations" (RIN1157-AD05) received on January 29, 2008; to the Committee on Banking, Housing, and Urban Affairs.

EC-4974. A communication from the Deputy Assistant Administrator for Operations, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Specifications for the 2008-2010 Surfclam and Ocean Quahog Fisheries" (RIN0648-AV42) received on January 29, 2008; to the Committee on Commerce, Science, and Transportation.

EC-4975. A communication from the Acting General Counsel, Federal Energy Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Facilities Design, Connections and Maintenance Reliability Standards" (Docket No. RM07-3-000) received on January 29, 2008; to the Committee on Energy and Natural Resources.

EC-4976. A communication from the Assistant Administrator, Office of Administration and Resources Management, Environmental Protection Agency, transmitting, pursuant to law, a report relative to the Agency's competitive sourcing efforts during fiscal year 2007; to the Committee on Environment and Public Works.

EC-4977. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Adequacy of Nebraska Municipal Solid Waste Landfill Program" (FRL No. 8523-2) received on January 28, 2008; to the Committee on Environment and Public Works.

EC-4978. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Ohio; Clean Air Interstate Rule" (FRL No. 8519-6) received on January 28, 2008; to the Committee on Environment and Public Works.

EC-4979. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Clothianidin; Pesticide Tolerance" (FRL No. 8346-9) received on January 28, 2008; to the Committee on Environment and Public Works.

EC-4980. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Final Rule; Ohio; Revised Oxides of Nitrogen Regulation, Phase II, and Revised NOx Trading Rule" (FRL No. 8519-1) received on January 28, 2008; to the Committee on Environment and Public Works.

EC-4981. A communication from the Assistant Secretary of the Army (Civil Works), transmitting, pursuant to law, a report relative to a hurricane and storm damage risk reduction system; to the Committee on Environment and Public Works.

EC-4982. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Maine; Transportation Conformity" (FRL No. 8524-9) received on February 4, 2008; to the Committee on Environment and Public Works.

EC-4983. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans and Operating Permits Program; State of Kansas" (FRL No. 8526-2) received on February 4, 2008; to the Committee on Environment and Public Works.

EC-4984. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "North Dakota: Final Authorization of State Hazardous Waste Management Program; Revision and Incorporation by Reference of Approved Hazardous Waste Program" (FRL No. 8524-7) received on February 4, 2008; to the Committee on Environment and Public Works.

EC-4985. 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—Corrected Version" (RIN0970-AC27) received on January 31, 2008; to the Committee on Finance.

EC-4986. A communication from the Acting Regulations Officer, Social Security Administration, transmitting, pursuant to law, the report of a rule entitled "Methods for Conducting Personal Conferences When Waiver of a Recovery of a Title II or Title XVI Overpayment Cannot Be Approved" (RIN0960-AG40) received on January 29, 2008; to the Committee on Finance.

EC-4987. A communication from the Acting Regulations Officer, Social Security Administration, transmitting, pursuant to law, the report of a rule entitled "Private Printing of Prescribed Applications, Forms, and Other Publications" (RIN0960-AG36) received on January 29, 2008; to the Committee on Finance.

EC-4988. A communication from the Secretary of Labor, transmitting, pursuant to law, a report relative to the effect of the implementation of the Andean Trade Preference Act on labor in the United States; to the Committee on Finance.

EC-4989. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, an annual report on the Child Support Enforcement Program for fiscal year 2005; to the Committee on Finance.

EC-4990. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Nuclear Decommissioning Costs" ((RIN1505-BF09)(TD 9374)) received on January 31, 2008; to the Committee on Finance.

EC-4991. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Revenue Procedure: Reduction of Penalty for Understating Tax by Adequate Disclosure of an Item on Return" (Rev. Proc. 2008-14) received on January 31, 2008; to the Committee on Finance.

EC-4992. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Uniform Effective Date of Certain Funding Regulations and 2008 Transitional Rule for Certain Small Plans" (Notice 2008-21) received on February 4, 2008; to the Committee on Finance.

EC-4993. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Rates of Accrual in Cash Balance Defined Benefit Pension Plans" (Rev. Rul. 2008-7) received on February 4, 2008; to the Committee on Finance.

EC-4994. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Release of Lien or Discharge of Property" ((RIN1545-BE35)(TD 9378)) received on February 4, 2008; to the Committee on Finance.

EC-4995. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Appeals Settlement Guidelines; Losses Claimed and Income to be Reported From Sale In/Lease Out Transactions" (ULL: 9300.38-00) received on February 4, 2008; to the Committee on Finance.

EC-4996. A communication from the Assistant Secretary, Office of Legislative Affairs,

Department of State, transmitting, pursuant to law, a report relative to U.S. military personnel and civilian contractors involved in the anti-narcotics campaign in Colombia; to the Committee on Foreign Relations.

EC-4997. A communication from the President of the United States, transmitting, pursuant to law, a report relative to the interdiction of aircraft engaged in illicit drug trafficking; to the Committee on Foreign Relations.

EC-4998. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a proposed license for the export of defense articles to Japan relative to the co-development of the Galaxy Express space launch vehicle upgrade program; to the Committee on Foreign Relations.

EC-4999. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a proposed license for the export of defense articles to Russia, Ukraine and Norway relative to the launch of all commercial and foreign non-commercial satellites from the Pacific Ocean; to the Committee on Foreign Relations.

EC-5000. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a proposed license for the export of defense articles to Kazakhstan relative to the launch of satellites; to the Committee on Foreign Relations.

EC-5001. A communication from the Global AIDS Coordinator, President's Emergency Plan for AIDS Relief, transmitting, pursuant to law, a report entitled "The Power of Partnerships"; to the Committee on Foreign Relations.

EC-5002. A communication from the Human Resources Specialist, Office of the Assistant Secretary for Administration and Management, Department of Labor, transmitting, pursuant to law, (2) reports relative to vacancy announcements within the Department, received on January 29, 2008; to the Committee on Health, Education, Labor, and Pensions.

EC-5003. A communication from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Index of Legally Marketed Unapproved New Animal Drugs for Minor Species" ((RIN0910-AF67) (Docket No. 2006N-0067)) received on January 29, 2008; to the Committee on Health, Education, Labor, and Pensions.

EC-5004. A communication from the Assistant General Counsel for Regulatory Services, Office of Special Education and Rehabilitative Services, Department of Education, transmitting, pursuant to law, the report of a rule entitled "National Institute on Disability and Rehabilitation Research—Disability Rehabilitation Research Projects, Rehabilitation Research and Training Centers, and Rehabilitation Engineering Research Centers—Notice of Final Priorities" (72 FR 6132) received on February 4, 2008; to the Committee on Health, Education, Labor, and Pensions.

EC-5005. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, an annual report relative to the Assets for Independence Program; to the Committee on Health, Education, Labor, and Pensions.

EC-5006. A communication from the White House Liaison, Office of Special Education and Rehabilitative Services, Department of Education, transmitting, pursuant to law, (2) reports relative to vacancy announcements within the Department, received on January

31, 2008; to the Committee on Health, Education, Labor, and Pensions.

EC-5007. A communication from the Inspector General, Railroad Retirement Board, transmitting, pursuant to law, budget justification for the Board for fiscal year 2009; to the Committee on Health, Education, Labor, and Pensions.

EC-5008. A communication from the White House Liaison, Department of Health and Human Services, transmitting, pursuant to law, the report of action on a nomination for the position of Assistant Secretary for Planning and Evaluation, received on January 31, 2008; to the Committee on Health, Education, Labor, and Pensions.

EC-5009. A communication from the White House Liaison, Department of Health and Human Services, transmitting, pursuant to law, the report of action on a nomination and discontinuation of service in an acting role for the position of Assistant Secretary for Public Affairs, received on January 31, 2008; to the Committee on Health, Education, Labor, and Pensions.

EC-5010. A communication from the Administrator, Environmental Protection Agency, transmitting, pursuant to law, a report entitled "2007 Annual Report to Congress on Implementation of Public Law 106-107"; to the Committee on Homeland Security and Governmental Affairs.

EC-5011. A communication from the Secretary of Labor, transmitting, pursuant to law, a report entitled "Performance and Accountability Report Highlights 2007"; to the Committee on Homeland Security and Governmental Affairs.

EC-5012. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, an annual report relative to the implementation of Public Law 106-107 during fiscal year 2007; to the Committee on Homeland Security and Governmental Affairs.

EC-5013. A communication from the Chairman and Chief Executive Officer, Farm Credit Administration, transmitting, pursuant to law, a report relative to the Administration's compliance with the Sunshine Act during calendar year 2007; to the Committee on Homeland Security and Governmental Affairs.

EC-5014. A communication from the Secretary, Mississippi River Commission, Department of the Army, transmitting, pursuant to law, a report relative to the Commission's compliance with the Sunshine Act during calendar year 2007; to the Committee on Homeland Security and Governmental Affairs.

EC-5015. A communication from the Director, Office of Personnel Management, transmitting, pursuant to law, an annual report for fiscal year 2007 relative to the Federal Equal Opportunity Recruitment Program; to the Committee on Homeland Security and Governmental Affairs.

EC-5016. A communication from the White House Liaison, Department of Justice, transmitting, pursuant to law, the report of a change in previously submitted reported information and discontinuation of service in an acting role for the position of U.S. Attorney, Eastern District of Texas, received on January 29, 2008; to the Committee on the Judiciary.

EC-5017. A communication from the White House Liaison, Department of Justice, transmitting, pursuant to law, the report of a vacancy and designation of an acting officer for the position of U.S. Attorney, District of Minnesota, received on January 29, 2008; to the Committee on the Judiciary.

EC-5018. A communication from the White House Liaison, Department of Justice, transmitting, pursuant to law, the report of a vacancy and designation of an acting officer for

the position of U.S. Attorney, Eastern District of Kentucky, received on January 29, 2008; to the Committee on the Judiciary.

EC-5019. A communication from the White House Liaison, Department of Justice, transmitting, pursuant to law, the report of a change in previously submitted information and discontinuation of service in the acting role of U.S. Attorney, Eastern District of Arkansas, received on January 29, 2008; to the Committee on the Judiciary.

EC-5020. A communication from the Deputy General Counsel and Designated Reporting Official, Office of National Drug Control Policy, Executive Office of the President, transmitting, pursuant to law, the report of a vacancy and designation of an acting officer for the position of Deputy Director for Supply Reduction, received on January 29, 2008; to the Committee on the Judiciary.

EC-5021. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a rule entitled "Visas: Documentation of Immigrants Under the Immigration and Nationality Act, as amended" (22 CFR Part 42) received on January 31, 2008; to the Committee on the Judiciary.

EC-5022. A communication from the White House Liaison, Department of Justice, transmitting, pursuant to law, the report of a change in previously submitted reported information and discontinuation of service in the acting role of U.S. Attorney, District of Wyoming, received on January 29, 2008; to the Committee on the Judiciary.

#### PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-284. A collection of petitions forwarded by the Benefit Security Coalition relative to establishing a more equitable method of computing cost of living adjustments for Social Security benefits; to the Committee on Finance.

POM-285. A resolution adopted by the Senate of the State of New Jersey urging Congress to enact the "Clean Railroads Act of 2007"; to the Committee on Commerce, Science, and Transportation.

Whereas, the Interstate Commerce Commission Termination Act of 1995 ("ICCTA"), which established the Surface Transportation Board ("STB") to assume regulatory jurisdiction over the operation of interstate rail service, is a broad federal railroad law that has been interpreted as forbidding state and local environmental regulatory agencies from overseeing the safe handling of trash or solid waste at solid waste management facilities that are located on railroad property; and

Whereas, Congress has eliminated state and local regulation of rail and rail-related operations so that railroads may operate across states and not have to comply with many sets of state and local regulations; yet some solid waste management companies have abused this federal preemption protection by building facilities on railroad property in order to avoid state and local regulations; and

Whereas, solid waste management facilities that operate on railroad property are subject to the exclusive jurisdiction of the STB, and therefore are exempt from state and local solid waste permits and regulations designed to promote public health, increase safety, and preserve the environment; yet due to uncertainty in the federal law that grants the STB such jurisdiction, the STB only passively regulates these facilities, so

that these facilities are able to escape the regulations that apply to similar facilities located anywhere except railroad property; and

Whereas, companies that have taken advantage of this exemption from state and local laws by building solid waste management facilities next to railroad tracks have been able to ignore environmental concerns and the safety and welfare of nearby communities; and

Whereas, in 2004, New Jersey implemented regulations that governed operations at railroad solid waste management facilities, yet when the State attempted to fine the New York Susquehanna and Western ("NYS&W") Railway Corporation for violating these regulations, the railroad immediately filed suit against the State, and the district court of New Jersey ruled that the ICCTA's exemption of railroads and their facilities from state and local oversight preempted New Jersey's regulations; and

Whereas, due to limited available disposal options, combined stringent state and local regulations, there has been a recent surge within the construction and operation of these unregulated solid waste management facilities along rail lines in New Jersey and throughout the Northeast; and

Whereas, in order to protect its residents from the environmental, safety, and health hazards associated with solid waste management facilities, the State needs the authority to regulate all of these sites, including those located on railroad property; and

Whereas, trade associations representing conventional solid waste processors, such as the National Solid Wastes Management Association ("NSWMA") and the Solid Waste Association of North America ("SWANA"), do not support federal preemption of state and local regulation of rail-based processors and are working to stop allowing rail-based solid waste facilities to sidestep important regulations; and

Whereas, Senator Lautenberg and Congressman Pallone have introduced S. 719 and H.R. 1248, respectively, which are identical pieces of legislation that, if passed, would amend federal law to clarify that solid waste management facilities located on railroad property do not fall under the jurisdiction of the STB; and

Whereas, S. 719 and H.R. 1248, also known as the "Clean Railroads Act of 2007," would close the federal loophole currently being exploited by solid waste management companies and provide New Jersey and every other state with the clear authority to regulate solid waste management facilities located on railroad property: Now, therefore, be it

*Resolved by the Senate of the State of New Jersey:*

1. This Senate Resolution memorializes Congress to enact S. 719 or H.R. 1248, otherwise known as the "Clean Railroads Act of 2007," which would remove the authority to regulate solid waste management facilities located on railroad property from the jurisdiction of the Surface Transportation Board, thus allowing state and local authorities to regulate such facilities.

2. Duly authenticated copies of this resolution, signed by the President of the Senate and attested by the Secretary thereof, shall be transmitted to the President and Vice President of the United States, the Speaker of the United States House of Representatives, the majority and minority leaders of United States Senate and the United States House of Representatives, and each member of the New Jersey congressional delegation.

#### 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. MARTINEZ (for himself, Mr. CORNYN, Mr. COLEMAN, Mr. ALEXANDER, Mr. VITTER, and Mr. DEMINT):  
S. 2603. A bill to amend title XI and XVIII of the Social Security Act to provide increased civil and criminal penalties for acts involving fraud and abuse under the Medicare program and to increase the amount of the surety bond required for suppliers of durable medical equipment; to the Committee on Finance.

By Ms. MIKULSKI (for herself and Mr. CARDIN):

S. 2604. A bill to establish the Baltimore National Heritage Area in the State of Maryland, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. KENNEDY:

S. 2605. A bill to require certain semiautomatic pistols manufactured, imported, or sold by Federal firearms licensees to be capable of microstamping ammunition; to the Committee on the Judiciary.

By Mr. DODD (for himself, Ms. COLLINS, Mr. BIDEN, and Mr. MCCAIN):

S. 2606. A bill to reauthorize the United States Fire Administration, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Ms. SNOWE:

S. 2607. A bill to make a technical correction to section 3009 of the Deficit Reduction Act of 2005; to the Committee on Commerce, Science, and Transportation.

By Ms. SNOWE (for herself and Mrs. DOLE):

S. 2608. A bill to make improvements to the Small Business Act; to the Committee on Small Business and Entrepreneurship.

By Mr. FEINGOLD (for himself, Mr. COLEMAN, Mr. CASEY, Mr. COCHRAN, Mr. KERRY, Mr. WHITEHOUSE, and Mr. VOINOVICH):

S. 2609. A bill to establish a Global Service Fellowship Program, and for other purposes; to the Committee on Foreign Relations.

By Mr. SALAZAR (for himself and Mr. MARTINEZ):

S. 2610. A bill to amend title 10, United States Code, to require the establishment of a searchable database containing the names and citations of members of the Armed Forces, members of the United States merchant marine, and civilians affiliated with the Armed Forces who have been awarded the medal of honor or any other medal authorized by Congress for the Armed Forces, the United States merchant marine, or affiliated civilians; to the Committee on Armed Services.

By Mr. DORGAN (for himself, Mr. BROWN, and Mr. CASEY):

S. 2611. A bill to make bills implementing trade agreements subject to a point of order unless certain conditions are met, and for other purposes; to the Committee on Finance.

By Mr. KERRY:

S. 2612. A bill to provide economic stimulus for small business concerns; to the Committee on Small Business and Entrepreneurship.

#### 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, Mr. OBAMA, Mr. BAUCUS, Mr. DURBIN, Mr. HARKIN, Mr. CASEY, Mr. MENENDEZ, Mr. REID, and Mrs. FEINSTEIN):

S. Res. 445. A resolution expressing the sense of the Senate on the assassination of

former Prime Minister of Pakistan Benazir Bhutto, and the political crisis in Pakistan; to the Committee on Foreign Relations.

By Mr. WEBB (for himself, Mr. BIDEN, Mr. LUGAR, Mr. WARNER, Mr. DODD, Mr. HAGEL, Mrs. BOXER, and Ms. MURKOWSKI):

S. Con. Res. 66. A concurrent resolution commemorating the 175th anniversary of the commencement of the special relationship between the United States and the Kingdom of Thailand; to the Committee on Foreign Relations.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Ms. MIKULSKI (for herself and Mr. CARDIN):

S. 2604. A bill to establish the Baltimore National Heritage Area in the State of Maryland, and for other purposes, to the Committee on Energy and Natural Resources.

Ms. MIKULSKI. 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. 2604

*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 "Baltimore National Heritage Area Act".

#### SEC. 2. FINDINGS.

Congress finds the following:

(1) The City of Baltimore contains 24 National Historic Landmarks, 53,000 buildings listed in 52 National Register Historic Districts, 8,000 buildings in 30 local historic districts, and 12 Chesapeake Bay Gateways, nestled in an unparalleled system of parks and waterways, and connected by 5 Maryland Scenic Byways and an All-American Road.

(2) The Battle of Baltimore represented the definitive end of the American Revolution, secured United States sovereignty, and gave the country 2 enduring symbols: the United States flag and the poem by Francis Scott Key that became our national anthem, "The Star-Spangled Banner".

(3) The proposed Baltimore National Heritage Area will tell 2 of the most significant national heritage stories at the locus of black history and the transformative effects of education, which are the following:

(A) Frederick Douglass, who while as a slave learned to read in Baltimore and credited his time in the city as the foundation for his accomplishments; and

(B) Thurgood Marshall, whose public school education in Baltimore led directly to his unparalleled contributions to civil rights as an attorney in Baltimore and as a United States Supreme Court Justice.

(4) Between the early 1800s and the mid 1900s, about 2,000,000 immigrants landed in Baltimore, second only to New York, as a major port of entry into the United States.

(5) In 1811, the Nation's first federally funded interstate transportation route, the National Road, began its journey from Baltimore to the west.

(6) Baltimore is the farthest inland east coast port, closest to the Nation's interior. The Chesapeake Bay, the continent's largest estuary, is a magnificent, fertile, natural resource. This special mix gave rise to the largest city in the 6 States of the Chesapeake region, with a cultural landscape unique among world port cities.

(7) Although Baltimore is a largely urban environment, a number of important natural and recreational resources can be found within the proposed National Heritage Area boundaries. Beginning with the first city park in 1827, Patterson Park, the city's natural and recreational resources enjoy a noteworthy history. Most remarkable is the city's acquisition, beginning in 1860, of 7 large estates that created the base for the current park system, including Leakin Park that is one of the largest urban wilderness parks remaining on the East Coast.

(8) The Baltimore City Heritage Area is a State heritage area designated by the State of Maryland in 2001.

(9) The "Feasibility Study for a Baltimore National Heritage Area", dated December 2006, found that the proposed area met the National Park Service's interim criteria for national heritage area designation.

#### SEC. 3. DEFINITIONS.

In this Act:

(1) HERITAGE AREA.—The term "Heritage Area" means the Baltimore National Heritage Area, established in section 4.

(2) LOCAL COORDINATING ENTITY.—The term "local coordinating entity" means the local coordinating entity for the Heritage Area designated by section 4(d).

(3) MANAGEMENT PLAN.—The term "management plan" means the management plan for the Heritage Area specified in section 6.

(4) MAP.—The term "map" means the map titled "Baltimore National Heritage Area", numbered T10/80,000, and dated October 2007.

(5) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(6) STATE.—The term "State" means the State of Maryland.

#### SEC. 4. BALTIMORE NATIONAL HERITAGE AREA.

(a) ESTABLISHMENT.—There is established the Baltimore National Heritage Area in the State.

(b) BOUNDARIES.—The Heritage Area shall be comprised of the following, as depicted on the map:

(1) The area encompassing the Baltimore City Heritage Area certified by the Maryland Heritage Areas Authority in October 2001 as part of the Baltimore City Heritage Area Management Action Plan.

(2) The Mount Auburn Cemetery.

(3) The Cylburn Arboretum.

(4) The Middle Branch of the Patapsco River and surrounding shoreline, including—

(A) the Cruise Maryland Terminal;

(B) new marina construction;

(C) the National Aquarium Aquatic Life Center;

(D) the Westport Redevelopment;

(E) the Gwynns Falls Trail;

(F) the Baltimore Rowing Club; and

(G) the Masonville Cove Environmental Center.

(c) AVAILABILITY OF MAP.—The map shall be on file and available for public inspection in the appropriate offices of the National Park Service, Department of the Interior, and the Baltimore Heritage Area Association.

(d) LOCAL COORDINATING ENTITY.—The Baltimore Heritage Area Association shall be the local coordinating entity for the Heritage Area.

#### SEC. 5. DUTIES AND AUTHORITIES OF THE LOCAL COORDINATING ENTITY.

(a) DUTIES OF THE LOCAL COORDINATING ENTITY.—To further the purposes of the Heritage Area, the local coordinating entity shall—

(1) prepare and submit a management plan for the Heritage Area to the Secretary in accordance with section 6;

(2) assist units of local government, regional planning organizations, and nonprofit organizations in implementing the approved management plan by—

(A) carrying out programs and projects that recognize, protect, and enhance important resource values within the Heritage Area;

(B) establishing and maintaining interpretive exhibits and programs within the Heritage Area;

(C) developing recreational and educational opportunities in the Heritage Area;

(D) increasing public awareness of and appreciation for natural, historical, scenic, and cultural resources of the Heritage Area;

(E) protecting and restoring historic sites and buildings in the Heritage Area that are consistent with heritage area themes;

(F) ensuring that signs identifying points of public access and sites of interest are posted throughout the Heritage Area; and

(G) promoting a wide range of partnerships among governments, organizations, and individuals to further the purposes of the Heritage Area;

(3) consider the interests of diverse units of government, businesses, organizations, and individuals in the Heritage Area in the preparation and implementation of the management plan;

(4) conduct meetings open to the public at least semi-annually regarding the development and implementation of the management plan;

(5) submit an annual report to the Secretary for any fiscal year in which the local coordinating entity receives Federal funds under this Act, setting forth its accomplishments, expenses, and income, amounts and sources of matching funds, amounts leveraged with Federal funds and sources of such leveraging, and grants made to any other entities during the year for which the report is made;

(6) make available for audit for any fiscal year in which it receives Federal funds under this Act, all information pertaining to the expenditure of such funds and any matching funds, and require in all agreements authorizing expenditures of Federal funds by other organizations, that the receiving organizations make available for such audit all records and other information pertaining to the expenditure of such funds; and

(7) encourage, by appropriate means, economic development that is consistent with the purposes of the Heritage Area.

(b) AUTHORITIES.—The local coordinating entity may, subject to the prior approval of the Secretary, for the purposes of preparing and implementing the management plan for the Heritage Area, use Federal funds made available through this Act to—

(1) make grants to the State, its political subdivisions, nonprofit organizations, and other persons;

(2) enter into cooperative agreements with or provide technical assistance to the State, its subdivisions, nonprofit organizations, Federal agencies, and other interested parties;

(3) hire and compensate staff;

(4) obtain money or services from any source including any that are provided under any other Federal law or program;

(5) contract for goods or services; and

(6) support activities of partners and any other activities that further the purposes of the Heritage Area and are consistent with the approved management plan.

(c) PROHIBITION ON THE ACQUISITION OF REAL PROPERTY.—The local coordinating entity may not use Federal funds received under this Act to acquire real property.

#### SEC. 6. MANAGEMENT PLAN.

(a) IN GENERAL.—The management plan for the Heritage Area shall—

(1) describe comprehensive policies, goals, strategies, and recommendations for telling

the story of the region's heritage and encouraging long-term resource protection, enhancement, interpretation, funding, management, and development of the Heritage Area;

(2) take into consideration existing State, county, and local plans in the development of the management plan and its implementation;

(3) include a description of actions and commitments that governments, private organizations, and citizens plan to take to protect, enhance, and interpret the natural, historic, scenic, and cultural resources of the Heritage Area;

(4) specify existing and potential sources of funding or economic development strategies to protect, enhance, interpret, fund, manage, and develop the Heritage Area;

(5) include an inventory of the natural, historical, cultural, educational, scenic, and recreational resources of the Heritage Area related to the stories and themes of the region that should be protected, enhanced, managed, or developed;

(6) recommend policies and strategies for resource management including, the development of intergovernmental and interagency agreements to protect the Heritage Area's natural, historical, cultural, educational, scenic, and recreational resources;

(7) describe a program of implementation for the management plan, including—

(A) performance goals;

(B) plans for resource protection, enhancement, interpretation; and

(C) specific commitments for implementation that have been made by the local coordinating entity or any government, organization, business, or individual;

(8) include an analysis and recommendations for ways in which local, State, Tribal, and Federal programs may best be coordinated, including the role of the National Park Service and other Federal agencies associated with the Heritage Area, to further the purposes of this Act;

(9) include an interpretive plan for the Heritage Area; and

(10) include a business plan that—

(A) describes the role, operation, financing, and functions of the local coordinating entity and of each of the major activities contained in the management plan; and

(B) provides adequate assurances that the local coordinating entity has the partnerships and financial and other resources necessary to implement the management plan for the Heritage Area.

(b) **DEADLINE AND TERMINATION OF FUNDING.**—

(1) **DEADLINE.**—The local coordinating entity shall submit the management plan to the Secretary for approval not later than 3 years after the date on which any funds are made available for this purpose after designation as a Heritage Area.

(2) **TERMINATION OF FUNDING.**—If the management plan is not submitted to the Secretary in accordance with this subsection, the local coordinating entity shall not qualify for additional financial assistance under this Act until the management plan is submitted to and approved by the Secretary.

#### **SEC. 7. DUTIES AND AUTHORITIES OF THE SECRETARY.**

(a) **TECHNICAL AND FINANCIAL ASSISTANCE.**—

(1) **IN GENERAL.**—The Secretary may, upon the request of the local coordinating entity, provide technical and financial assistance on a reimbursable or non-reimbursable basis (as determined by the Secretary) to the Heritage Area to develop and implement the management plan.

(2) **PRIORITY ACTIONS.**—In assisting the Heritage Area, the Secretary shall give priority to actions that in general assist in—

(A) conserving the significant natural, historical, cultural, and scenic resources of the Heritage Area; and

(B) providing educational, interpretive, and recreational opportunities consistent with the purposes of the Heritage Area.

(3) **COOPERATIVE AGREEMENTS.**—The Secretary is authorized to enter into cooperative agreements with the local coordinating entity and other public or private entities to carry out this subsection.

(b) **APPROVAL OF MANAGEMENT PLAN.**—

(1) **REVIEW.**—The Secretary shall approve or disapprove the management plan not later than 180 days after receiving the management plan.

(2) **CONSULTATION.**—The Secretary shall consult with the Governor of any State and Tribal government in which the Heritage Area is located prior to approving any management plan.

(3) **CRITERIA FOR APPROVAL.**—In determining the approval of the management plan, the Secretary shall consider whether—

(A) the local coordinating entity will be representative of the diverse interests of the Heritage Area, including governments, natural and historic resource protection organizations, educational institutions, businesses, community residents, and recreational organizations;

(B) the local coordinating entity has afforded adequate opportunity for public and governmental involvement, including workshops and public meetings, in the preparation of the management plan;

(C) the resource protection and interpretation strategies contained in the management plan, if implemented, would adequately protect the natural, historical, and cultural resources of the Heritage Area;

(D) the management plan would not adversely affect any activities authorized on Federal or Tribal lands under applicable laws or pursuant to land use plans;

(E) the Secretary has received adequate assurances from the appropriate State, Tribal, and local officials whose support is needed to ensure the effective implementation of the State, Tribal, and local aspects of the management plan; and

(F) the local coordinating entity has demonstrated the financial capability, in partnership with others, to carry out the plan.

(4) **ACTION FOLLOWING DISAPPROVAL.**—If the Secretary disapproves the management plan, the Secretary shall advise the local coordinating entity in writing of the reasons and may make recommendations for revisions to the management plan. The Secretary shall approve or disapprove a proposed revision not later than 180 days after it is resubmitted.

(5) **APPROVAL OF AMENDMENTS.**—Substantial amendments to the management plan shall be reviewed by the Secretary and approved in the same manner as provided for the original management plan. The local coordinating entity may not use Federal funds authorized by this Act to implement any amendments until the Secretary has approved the amendments.

(c) **EVALUATION.**—

(1) **IN GENERAL.**—Not later than 3 years before the date on which authority for Federal funding terminates for the Heritage Area, the Secretary shall conduct an evaluation of the accomplishments of the Heritage Area and prepare a report with recommendations for the National Park Service's future role, if any, with respect to the Heritage Area.

(2) **EVALUATION COMPONENTS.**—An evaluation prepared under paragraph (1) shall—

(A) assess the progress of the local coordinating entity with respect to—

(i) accomplishing the purposes of the authorizing legislation for the Heritage Area; and

(ii) achieving the goals and objectives of the approved management plan for the Heritage Area;

(B) analyze the Federal, State, local, and private investments in the Heritage Area to determine the leverage and impact of the investments; and

(C) review the management structure, partnership relationships, and funding of the Heritage Area for purposes of identifying the critical components for sustainability of the Heritage Area.

(3) **RECOMMENDATIONS.**—Based upon the evaluation under paragraph (1), the Secretary shall prepare a report with recommendations for the National Park Service's future role, if any, with respect to the Heritage Area. If the report recommends that Federal funding for the Heritage Area be reauthorized, the report shall include an analysis of—

(A) ways in which Federal funding for the Heritage Area may be reduced or eliminated; and

(B) the appropriate time period necessary to achieve the recommended reduction or elimination.

(4) **SUBMISSION TO CONGRESS.**—On completion of a report under paragraph (3), the Secretary shall submit the report to—

(A) the Committee on Energy and Natural Resources of the Senate; and

(B) the Committee on Natural Resources of the House of Representatives.

#### **SEC. 8. RELATIONSHIP TO OTHER FEDERAL AGENCIES.**

(a) **IN GENERAL.**—This Act shall not affect the authority of any Federal official to provide technical or financial assistance under any other law.

(b) **CONSULTATION AND COORDINATION.**—The head of any Federal agency planning to conduct activities that may have an impact on the Heritage Area is encouraged to consult and coordinate the activities with the Secretary and the local coordinating entity to the extent practicable.

(c) **OTHER FEDERAL AGENCIES.**—Nothing in this Act—

(1) modifies, alters, or amends any law or regulation authorizing a Federal agency to manage Federal land under the jurisdiction of the Federal agency;

(2) limits the discretion of a Federal land manager to implement an approved land use plan within the boundaries of the Heritage Area; or

(3) modifies, alters, or amends any authorized use of Federal land under the jurisdiction of a Federal agency.

#### **SEC. 9. PROPERTY OWNERS AND REGULATORY PROTECTIONS.**

Nothing in this Act shall be construed to—

(1) abridge the rights of any property owner, public or private, including the right to refrain from participating in any plan, project, program, or activity conducted within the Heritage Area;

(2) require any property owner to permit public access (including Federal, Tribal, State, or local government access) to such property or to modify any provisions of Federal, Tribal, State, or local law with regard to public access or use of private lands;

(3) alter any duly adopted land use regulations or approved land use plan or any other regulatory authority of any Federal, State, or local agency, or Tribal government or to convey any land use or other regulatory authority to any local coordinating entity;

(4) authorize or imply the reservation or appropriation of water or water rights;

(5) diminish the authority of the State to manage fish and wildlife, including the regulation of fishing and hunting within the Heritage Area; or

(6) create any liability, or affect any liability under any other law, of any private property owner with respect to any persons injured on such private property.

**SEC. 10. AUTHORIZATION OF APPROPRIATIONS.**

(a) IN GENERAL.—There is authorized to be appropriated for the purposes of this Act \$10,000,000, of which not more than \$1,000,000 shall be made available for any fiscal year.

(b) MATCHING FUNDS.—Federal funding provided under this Act may not exceed 50 percent of the total cost of any assistance or grant provided or authorized under this Act. Recipient matching funds—

(1) must be from non-Federal sources; and

(2) may be made in the form of in-kind contributions of goods and services fairly valued.

**SEC. 11. SUNSET.**

The authority of the Secretary to provide financial assistance under this Act shall terminate 15 years after the date of enactment of the Act.

By Mr. KENNEDY:

S. 2605. A bill to require certain semiautomatic pistols manufactured, imported, or sold by Federal firearms licensees to be capable of microstamping ammunition; to the Committee on the Judiciary.

Mr. KENNEDY. Mr. President, today I am introducing the National Crime Gun Identification Act as an important step to reduce gun violence and support law enforcement. The bill requires semiautomatic handguns manufactured, imported or sold by federal firearms licensees to be equipped with microstamping technology. Congressman XAVIER BECERRA is introducing a companion measure in the House this week.

Nearly 70 percent of homicides in 2006 involved a firearm, and handguns were the weapons of choice for most offenders. Handguns are also the weapons most often used in murders of law enforcement officers. There is an urgent need for effective, high-tech gun-tracing capabilities such as microstamping, which can provide law enforcement with a much-needed investigation resource in solving gun crimes.

Microstamping uses lasers to make precise, microscopic engravings on the firing pin and chamber of a weapon, and this information is transferred onto the cartridge casing when the weapon is fired. The information includes the gun's make, model and serial number, and can yield important evidence to law enforcement officers investigating crimes. California has already enacted such legislation, and the technology has the support of many individuals and organizations, including Boston Mayor Thomas Menino, the Boston Police Department, Seattle Mayor Gregory Nickles, the U.S. Conference of Mayors, the Coalition to Stop Gun Violence, and the Brady Campaign to Prevent Gun Violence. Additionally, the National Black Caucus of State Legislators passed a resolution supporting the use of microstamping technology.

Microstamping is a significant new technology for ballistics identification.

Congress should obviously support emerging technologies that enable law enforcement to make more effective use of evidence at crime scenes. Current ballistic analyses, conducted through the National Integrated Ballistic Information Network, depend on the transfer of accidental markings from a gun barrel to bullets and cartridge cases, which are then compared to a limited database with evidence from other crime scenes.

The current Ballistic Information Network has already been an invaluable resource for law enforcement. A remarkable number of crimes have been solved by using it, and it makes sense to invest in the next generation of ballistic technology. Microstamping in no way replaces any of the methods currently used by police to conduct ballistics tests, but it would clearly enhance the work currently done by law enforcement agencies.

FBI data indicate that handguns are used in most homicides, accounting for nearly 7,800 murders in 2006. In Massachusetts, violent crime rates are on the rise—growing 11 percent in Boston in 2006. In 2005, Boston police made a total of 754 gun arrests and 797 illegal firearm seizures. Nevertheless, from 1997 to 2005, shooting incidents have jumped a drastic 153 percent. We can help law enforcement solve more handgun crimes and reduce gun trafficking through the use of microstamping technology.

Bullet casings are often the only evidence left behind at crime scenes, particularly in gang crimes such as drive-by shootings. In Boston during 2006, bullet casings were recovered from nearly half of crime scenes involving shootings. In those cases, investigators could obviously have benefited from knowing the make, model and serial number of the guns involved in those crimes. Microstamp information can also be used to identify straw buyers and gun traffickers who supply the illegal flow of weapons to violent teens, gang members and other prohibited purchasers.

Critics of microstamping technology claim that perpetrators engaged in crime will be able to subvert the technology by filing the microstamped information off the weapons. In fact, however, microstamping is virtually tamperproof. The microstamped information is invisible to the naked eye, and most criminals would be unable to detect it. The microstamp is placed on the firing pin and in the chamber of the gun, so even if a perpetrator replaced the firing pin, the information would still be transferred to the casing from the chamber.

Others argue that criminals will plant cartridges at crime scenes to disrupt investigations. Realistically, however, we know that offenders rarely take even the simplest precautions, such as wearing gloves during a burglary, when engaging in criminal behavior.

Opponents also contend that microstamping will result in the creation of

a new national database of gun owners. In fact, it will not result in any new database, because it will use information already available to law enforcement officers investigating gun crimes. In addition, microstamped information on bullet casings can be viewed with imaging equipment generally found at Federal, State and local forensics laboratories, making it unnecessary to create and maintain special equipment or facilities.

Finally, critics claim that the cost of adding microstamping technology is prohibitive. In fact, the technology will be available to manufacturers through a free licensing agreement from its inventor. Based on independent estimates, adding the technology to new semiautomatic handguns will cost only 50 cents to a dollar for each firearm produced by large volume manufacturers.

Handgun owners and prospective handgun purchasers will not be burdened by this legislation. There will be no changes in the procedures or requirements for purchasing handguns. Existing handguns and handgun owners will not be affected by this legislation since it applies only to new handguns.

The technology has been thoroughly tested. Independent examiners have fired thousands of rounds from guns with microstamping, and have consistently obtained readable marks on the casings.

Microstamping technology is urgently needed by law enforcement and can make a major difference in solving gun crimes. It is cost effective and will not impinge on the rights of any gun owners. I urge my colleagues to support law enforcement and reduce gun crimes by enacting this important legislation.

By Mr. DODD (for himself, Ms. COLLINS, Mr. BIDEN, and Mr. MCCAIN):

S. 2606. A bill to reauthorize the United States Fire Administration, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

Mr. DODD. Mr. President, I rise with my colleague, Senator COLLINS, along with Senators BIDEN and MCCAIN, to introduce legislation that reauthorizes the U.S. Fire Administration, USFA.

Established in 1974, the USFA provides critical support to 30,300 fire departments across our Nation through training, emergency incident data collection, fire awareness and prevention education, and research and development activities. Each year, the USFA trains approximately one million fire and emergency personnel both at the USFA campus in Emmitsburg, Maryland, and through distance learning programs. The USFA also offers vital assistance to Federal Emergency Management Agency and Department of Homeland Security in the development of Federal preparedness and response policies.

The legislation I am introducing today with my colleagues seeks to provide the USFA with proper resources so

the agency may effectively meet the growing responsibilities of the fire service in the 21st century. It contains the following provisions. The USFA Reauthorization Act of 2008 provides \$70 million in fiscal year 2009 with 1.3 percent annual increases through fiscal year 2012. The bill expands National Fire Academy training curricula to include issues relevant to urban-wildland interface fires, fires involving hazardous materials, and fire-based emergency medical services. The bill also encourages the expansion of onsite fire training, authorizes up to \$5,000,000 annually for necessary technology upgrades to the National Fire Incident Reporting System, authorizes the USFA to expand research activities in relevant topics to urban-wildland interface fires, encourages the USFA to adopt national voluntary consensus standards relevant to firefighter health and safety, and requires the USFA to provide greater coordination with other Federal, State and local agencies on fire prevention and fire-based emergency medical services programs. Finally, the legislation establishes a rotating position at the DHS National Operations Center for State or local fire service officials. This new position will bring the expertise of the fire service to the incident management and information sharing activities of the Center.

I am pleased to say this bipartisan legislation is supported by the Congressional Fire Services Institute, the International Association of Fire Fighters, the International Association of Fire Chiefs, and the National Volunteer Fire Council.

The U.S. Fire Administration performs a critical array of duties that ensure the safety of Americans each day. It is important that we continue to pledge our support to the agency and our Nation's brave firefighters. I look forward to working with my colleagues on this important legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

#### S. 2606

*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 "United States Fire Administration Reauthorization Act of 2008".

#### SEC. 2. FINDINGS.

Congress makes the following findings:

(1) The number of lives lost each year because of fire has dropped significantly over the last 25 years in the United States. However, the United States still has one of the highest fire death rates in the industrialized world. In 2005, the National Fire Protection Association reported 3,675 civilian fire deaths, 17,925 civilian fire injuries, and \$10,672,000,000 in direct losses due to fire.

(2) Every year, more than 100 firefighters die in the line of duty. The United States

Fire Administration should continue its leadership to help local fire agencies dramatically reduce these fatalities.

(3) Members of the fire service community should continue to work together to further the promotion of national voluntary consensus standards that increase firefighter safety.

(4) The United States Fire Administration provides crucial support to the 30,300 fire departments of the United States through training, emergency incident data collection, fire awareness and education, and support of research and development activities for fire prevention, control, and suppression technologies.

(5) The collection of data on fire and other emergency incidents is a vital tool both for policy makers and emergency responders to identify and develop responses to emerging hazards. Improving the data collection capabilities of the United States Fire Administration is essential for accurately tracking and responding to the magnitude and nature of the fire problems of the United States.

(6) The research and development performed by the National Institute of Standards and Technology, the United States Fire Administration, other government agencies, and non-governmental organizations on fire technologies, techniques, and tools advance the capabilities of the fire service of the United States to suppress and prevent fires.

(7) The United States Fire Administration is one of the strongest voices representing the fire service of the United States within the Federal Government, and, as such, it should have a prominent place within the Department of Homeland Security.

#### SEC. 3. AUTHORIZATION OF APPROPRIATIONS FOR UNITED STATES FIRE ADMINISTRATION.

Section 17(g)(1) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2216(g)(1)) is amended—

(1) in subparagraph (C), by striking "and" after the semicolon;

(2) in subparagraph (D), by striking the period at the end and inserting a semicolon; and

(3) by adding after subparagraph (D) the following:

"(E) \$70,000,000 for fiscal year 2009, of which \$2,520,000 shall be used to carry out section 8;

"(F) \$72,100,000 for fiscal year 2010, of which \$2,595,600 shall be used to carry out section 8;

"(G) \$74,263,000 for fiscal year 2011, of which \$2,673,468 shall be used to carry out section 8; and

"(H) \$76,490,890 for fiscal year 2012, of which \$2,753,672 shall be used to carry out section 8."

#### SEC. 4. NATIONAL FIRE ACADEMY TRAINING PROGRAM MODIFICATIONS AND REPORTS.

(a) AMENDMENTS TO FIRE ACADEMY TRAINING.—Section 7(d)(1) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2206(d)(1)) is amended—

(1) in subparagraph (H), by striking "terrorist-caused national catastrophes" and inserting "all hazards, including acts of terrorism";

(2) in subparagraph (K), by striking "forest" and inserting "wildland";

(3) in subparagraph (M), by striking "response tactics and" and inserting "response, tactics, and";

(4) by redesignating subparagraphs (I) through (N) as subparagraphs (M) through (R), respectively; and

(5) by inserting after subparagraph (H) the following:

"(I) response, tactics, and strategies for fighting large-scale fires or multiple fires in a general area that cross jurisdictional boundaries;

"(J) response, tactics, and strategies for fighting fires occurring at the wildland-urban interface;

"(K) response, tactics, and strategies for fighting fires involving hazardous materials;

"(L) advanced emergency medical services training;".

(b) TRIENNIAL REPORTS.—Section 7 of such Act (15 U.S.C. 2206) is amended by adding at the end the following:

"(m) TRIENNIAL REPORT.—In the first annual report filed pursuant to section 16 for which the deadline for filing is after the expiration of the 18-month period that begins on the date of the enactment of the United States Fire Administration Reauthorization Act of 2008, and in every third annual report thereafter, the Administrator shall include information about changes made to the National Fire Academy curriculum, including—

"(1) the basis for such changes, including a review of the incorporation of lessons learned by emergency response personnel after significant emergency events and emergency preparedness exercises performed under the National Exercise Program; and

"(2) the desired training outcome of all such changes."

(c) AUTHORIZING THE ADMINISTRATOR TO ENTER INTO CONTRACTS TO PROVIDE ON-SITE TRAINING THROUGH CERTAIN ACCREDITED ORGANIZATIONS.—Section 7(f) of such Act (15 U.S.C. 2206) is amended to read as follows:

"(f) ASSISTANCE.—

"(1) IN GENERAL.—The Administrator may provide assistance to State and local fire service training programs through grants, contracts, or otherwise.

"(2) AUTHORIZATION TO ENTER INTO CONTRACTS TO PROVIDE ON-SITE TRAINING THROUGH CERTAIN ACCREDITED ORGANIZATIONS.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), the Administrator may enter into a contract with nationally recognized organizations that have established onsite training programs that comply with national voluntary consensus standards for fire service personnel to facilitate the delivery of the education and training programs outlined in subsection (d)(1) directly to fire service personnel.

"(B) LIMITATION.—The Administrator may not enter into a contract with an organization described in subparagraph (A) unless such organization—

"(i) operates a fire service training program accredited by a nationally recognized accreditation organization experienced with accrediting such training; or

"(ii) at the time the Administrator enters into the contract, provides training under such a program under a cooperative agreement with a Federal agency.

"(3) RESTRICTION ON USE OF FUNDS.—The amounts expended by the Administrator to carry out this subsection in any fiscal year shall not exceed 8 per centum of the amount authorized to be appropriated in such fiscal year pursuant to section 17 of this Act."

#### SEC. 5. NATIONAL FIRE INCIDENT REPORTING SYSTEM UPGRADES.

(a) INCIDENT REPORTING SYSTEM DATABASE.—Section 9 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2208) is amended by adding at the end the following:

"(d) NATIONAL FIRE INCIDENT REPORTING SYSTEM UPDATE.—Of the amounts made available pursuant to subparagraphs (E), (F), and (G) of section 17(g)(1), the Administrator shall use not more than an aggregate amount of \$5,000,000 during the 3-year period consisting of fiscal years 2009, 2010, and 2011 to carry out activities necessary to update the National Fire Incident Reporting system to an Internet-based, real-time incident reporting database, including capital investment, contractor engagement, and user education."

(b) TECHNICAL CORRECTION.—Section 9(b)(2) of such Act (15 U.S.C. 2208(b)(2)) is amended by striking “assist State,” and inserting “assist Federal, State.”

**SEC. 6. FIRE TECHNOLOGY ASSISTANCE AND RESEARCH DISSEMINATION.**

(a) ASSISTANCE TO FIRE SERVICES FOR FIRE PREVENTION AND CONTROL IN WILDLAND-URBAN INTERFACE.—Section 8(d) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2207(d)) is amended to read as follows:

“(d) RURAL AND WILDLAND-URBAN INTERFACE ASSISTANCE.—The Administrator may, in coordination with the Secretary of Agriculture, assist the fire services of the United States, directly or through contracts, grants, or other forms of assistance, to sponsor and encourage research into approaches, techniques, systems, equipment, and land-use policies to improve fire prevention and control in—

“(1) the rural and remote areas of the United States; and

“(2) the wildland-urban interface.”

(b) TECHNOLOGY RESEARCH DISSEMINATION.—Section 8 of such Act (15 U.S.C. 2207) is amended by adding at the end the following:

“(h) RESEARCH DISSEMINATION.—Beginning 1 year after the date of the enactment of the United States Fire Administration Reauthorization Act of 2008, the Administrator, in collaboration with the relevant departments and agencies of the Federal Government, shall make available to the public information about all ongoing and planned fire-related research funded by the Administration during fiscal year 2008 and each fiscal year thereafter, as well as the results generated from such research, through a regularly updated Internet-based database.”

**SEC. 7. ENCOURAGING ADOPTION OF STANDARDS FOR FIREFIGHTER HEALTH AND SAFETY.**

The Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2201 et seq.) is amended by adding at the end the following:

**“SEC. 37. ENCOURAGING ADOPTION OF STANDARDS FOR FIREFIGHTER HEALTH AND SAFETY.**

“The Administrator shall promote adoption by fire services of national voluntary consensus standards for firefighter health and safety, including such standards for firefighter operations, training, staffing, and fitness, by—

“(1) educating fire services about such standards;

“(2) encouraging the adoption at all levels of government of such standards; and

“(3) making recommendations on other ways in which the Federal government can promote the adoption of such standards by fire services.”

**SEC. 8. STATE AND LOCAL FIRE SERVICE REPRESENTATION AT NATIONAL OPERATIONS CENTER.**

The Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2201 et seq.) is amended by inserting after section 22 the following:

**“SEC. 23. STATE AND LOCAL FIRE SERVICE REPRESENTATION AT NATIONAL OPERATIONS CENTER.**

“(a) ESTABLISHMENT OF POSITION.—The Secretary of Homeland Security shall, in consultation with the Administrator, establish a fire service position at the National Operations Center established under section 515 of the Homeland Security Act of 2002 (6 U.S.C. 321d) (also known as the ‘Homeland Security Operations Center’) to represent the interests of State and local fire services.

“(b) DESIGNATION OF POSITION.—The Secretary of Homeland Security shall designate, on a rotating basis, a State or local fire service official for the position described in subsection (a)

“(c) MANAGEMENT.—The Secretary of Homeland Security shall manage the position established pursuant to subsection (a) in accordance with such rules and regulations as govern other similar rotating positions at the National Operations Center.”

**SEC. 9. COORDINATION REGARDING FIRE SERVICE-BASED EMERGENCY MEDICAL SERVICES.**

Section 21(e) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2218(e)) is amended to read as follows:

“(e) COORDINATION.—

“(1) IN GENERAL.—To the extent practicable, the Administrator shall use existing programs, data, information, and facilities already available in other Federal Government departments and agencies and, where appropriate, existing research organizations, centers, and universities.

“(2) COORDINATION OF FIRE PREVENTION AND CONTROL PROGRAMS.—The Administrator shall provide liaison at an appropriate organizational level to assure coordination of the activities of the Administrator with State and local government agencies, departments, bureaus, or offices concerned with any matter related to programs of fire prevention and control with private and other Federal organizations and offices so concerned.

“(3) COORDINATION OF FIRE SERVICE-BASED EMERGENCY MEDICAL SERVICES PROGRAMS.—The Administrator shall provide liaison at an appropriate organizational level to assure coordination of the activities of the Administrator with State and local government agencies, departments, bureaus, or offices concerned with programs related to emergency medical services provided by fire service-based systems with private and other Federal organizations and offices so concerned.”

**SEC. 10. DEFINITIONS.**

Section 4 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2203) is amended—

(1) in paragraph (3), by striking “Administration” and inserting “Administration, who is the Assistant Administrator of the Federal Emergency Management Agency”;

(2) in paragraph (7), by striking the “and” after the semicolon;

(3) in paragraph (8), by striking the period at the end and inserting “; and”;

(4) by redesignating paragraphs (6), (7), and (8) as paragraphs (7), (8), and (9), respectively;

(5) by inserting after paragraph (5) the following:

“(6) ‘hazardous material’ has the meaning given such term in section 5102 of title 49, United States Code;”;

(6) by adding at the end the following:

“(10) ‘wildland-urban interface’ has the meaning given such term in section 101 of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6511).”

Ms. COLLINS. Mr. President. I am pleased to join Senator DODD in introducing legislation to reauthorize the U.S. Fire Administration. The bill would provide additional resources to help the agency meet its growing responsibilities. We are pleased to be joined by our fellow cochairs of the Congressional Fire Services Caucus—Senators MCCAIN and BIDEN.

Since its creation in 1974, the Fire Administration and its Fire Academy have helped prevent fires, protect property, and save lives among firefighters and the public. Today, the Fire Administration is also integrated into our national, all-hazards preparations against natural disasters and terrorist attacks.

Last month marked the fifth anniversary of the Fire Administration’s reorganization as part of the Federal Emergency Management Agency within the Department of Homeland Security. As both Ranking Member of the Senate Committee on Homeland Security and as a cochair of the Congressional Fire Services Caucus, I am pleased that the bill being introduced today does much more than reauthorize the Fire Administration.

For example, the bill designates \$5 million annually to support necessary technology upgrades to the National Fire Incident Reporting System. This important system helps State and local governments report and analyze fires, and allows nationwide sharing of data in standard formats. This database—the world’s largest collection of fire-incident information—helps all levels of government to probe the nature and causes of injuries, deaths, and property loss resulting from fires.

Another vital component of this bill establishes a rotating position at the DHS National Operations Center to be filled by a State or local fire-service official. In our comprehensive, all-hazards approach to major disasters, it is just as important to have the fire services represented at operations center as it is military liaisons.

The bill has other important provisions, including provision for a 1.3 percent annual increase in the initial \$70 million authorization through fiscal year 2012. In addition, the bill expands National Fire Academy training programs to include topics like hazardous-material fires and fire-based emergency medical services. It authorizes expanded research on fires in the urban-wildland interface and in rural areas. It encourages the Fire Administration to adopt national voluntary standards on firefighter health and safety—an important topic, considering that about 100 brave firefighters lose their lives in the line of duty each year, with many more suffering serious injuries.

My home state of Maine is keenly aware of the dangers of fire and the importance of effective fire services. Maine is one of the most rural states in the nation and most of its housing stock is wood framed. Some households rely on woodstoves for primary or supplemental heat.

According to the Maine Department of Public Safety, nearly 50 Mainers died in fires every year through the 1950s, ‘60s, and ‘70s. The average so far for this decade is 18, and 2007 produced only 12 fire-related deaths, still too many but a considerable improvement.

Maine public-safety officials attribute the decline to factors like wider use of smoke detectors and improved building codes—and fire-prevention efforts. As our national resource and clearing house for fire research, education, and training, the U.S. Fire Administration certainly deserves a share of the credit for my state’s progress in reducing the pain, devastation, and death wrought by fires.

I have no doubt the Fire Administration's beneficial effects will grow. Its new campaign for preventing smoking-related home fires is a worthy effort. Its growing curriculum of online courses on topics like incident command for nursing-home fires, emergency medical service at multi-casualty incidents, and emergency response to terrorism is a valuable resource for firefighters.

The U.S. Fire Administration is a fine example of the good that can come of federal, state, and local collaboration to counter an ancient threat and to address new ones. I urge my colleagues to join me in supporting the reauthorization and improvement of this valuable agency.

By Ms. SNOWE:

S. 2607. A bill to make a technical correction to section 3009 of the Deficit Reduction Act of 2005; to the Committee on Commerce, Science, and Transportation.

Ms. SNOWE. Mr. President, I rise today to introduce legislation that would better facilitate the DTV transition for rural Americans by making funds for digital upgrades available sooner to low-power television stations and translators. The reason this is imperative is that we don't want to create another "digital divide" where rural and low-income areas are not able to reap the benefits of digital TV as quickly as their urban counterparts.

Under the current statute, the Assistant Secretary for Communications and Information at the Department of Commerce must make payments for the low-power TV and translator upgrade program during fiscal year 2009—October 1, 2008 to September 30, 2009—but may not actually disburse reimbursement payments until after October 1, 2010, which is 20 months past the DTV transition deadline of February 2009.

By having such a long delay for reimbursements, it will inevitably hold up the analog to digital upgrades of low-power TV stations and translators. This would adversely affect viewers since they will not be able to receive the benefits that digital signals offer and hence create this additional "digital divide" to these mostly rural and low-income areas where low-power TV and translators typically are situated.

This bill would correct this oversight and change the language to have the Assistant Secretary make payments during the fiscal years 2009 to 2012, and start providing reimbursements for the upgrade program on February 18, 2009, and in doing so will move up the date 20 months to bring the upgrade program more in line with the main deadline of the DTV transition. This will allow LPTV and translators to be reimbursed more quickly for analog to digital equipment upgrades, which can run in the tens of thousands of dollars.

As we all know, in less than 380 days, on February 17, 2009, television broadcasts will transition from analog TV

signals to an all-digital system and in doing so begin a new chapter of innovation and viewing experience. The transition will free up scarce broadcast spectrum so that first responders and public safety services have much needed spectrum capacity. It will also provide space for advanced wireless technologies, which will bring us improved broadband and communications services. In addition, the new digital TV signals will provide higher quality video and sound, as well as the opportunity for broadcasters to offer new services such as interactive TV and multicasting, which allows the transmission of several program streams on one broadcast channel.

Consumer awareness of the DTV transition is improving and the Commerce Department announced earlier this month that it had already received requests from more than 2 million households for nearly 4 million converter box coupons—so demand is strong. More and more consumers are realizing the importance and benefits of the DTV transition. We must not unduly prohibit any American from not reaping the tremendous advantages of digital TV and other services that will quickly follow due to the transition. If we don't correct this critical oversight in the current law, we will do just that, once again disadvantaging the areas and people that have the most to gain from this new technology. That is why I sincerely hope that my colleagues join me in supporting the critical legislation.

Mr. President. I yield the floor.

S. 2607

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

**SECTION 1. REIMBURSEMENTS FROM THE DIGITAL TELEVISION TRANSITION AND PUBLIC SAFETY FUND.**

Section 3009(a) of the Deficit Reduction Act of 2005 (Public Law 109-171) is amended—

- (1) by striking "fiscal year 2009" and inserting "fiscal years 2009 through 2012; and"
- (2) by striking "no earlier than October 1, 2010" and inserting "on or after February 18, 2009".

By Ms. SNOWE (for herself and Mrs. DOLE):

S. 2608. A bill to make improvements to the Small Business Act; to the Committee on Small Business and Entrepreneurship.

Ms. SNOWE. Mr. President, I rise today, along with Senator DOLE, to introduce the Small Business Women's Procurement Improvement Act, a measure that would enhance the Small Business Administration's women's procurement program, which was created back in 2000, to provide contracting opportunities to women-owned small businesses in Maine and across the Nation. As Ranking Member of the Senate Committee on Small Business and Entrepreneurship, one of my top priorities is to champion our nation's women-owned small businesses and to promote their interests. In these uncertain economic times it is our financial

strengths that we must rely upon most. Women-owned small businesses are one such strength. In recent years, the percent growth in the number of women-owned firms was nearly twice that of all U.S. firms. Thus, we need to create programs that will continue to grow this vital and crucial resource.

Regrettably, the Small Business Administration, SBA, has failed to implement the women's procurement program that was enacted into law back in 2000. In December, the SBA finally proposed a rule to implement the program. The SBA had the opportunity to hit a home run, but instead published a rule that is highly deficient and unlikely to have any practical effect in helping the Federal Government satisfy its 5 percent women's contracting goal. So far, there has been one law—enacted back in December 2000—three reports, numerous hearings, and two proposed rules, and, tragically, it appears that we are no closer today than we were 7 years ago to helping our nation's small women-owned businesses stimulate our economy. What an inconceivable missed opportunity for the SBA to help boost our economy by promoting women-owned businesses.

The SBA's proposed rule has two fundamental flaws which hinder it from functioning as Congress originally intended. First, the proposed rule identifies just four industries, out of more than one hundred, in which women-owned small businesses are under-represented and eligible for set-asides. According to the Central Contractor Registration, this gross disparity means a mere 1,238 businesses across the entire Nation—or 2 percent of all women-owned small business contractors—would be subject to the proposed rule. Regrettably, only two of these contractors are located in my home State of Maine.

Second, for SBA's proposed rule to go into effect, individual Federal agencies must first publicly admit to a history of gender discrimination. I find it difficult, if not impossible, to envision a scenario where a Federal agency would make such an admission. Furthermore, such an unworkable admission isn't required anywhere in the Small Business Act.

To help remedy this appalling circumstance, today we introduce legislation to amend the Small Business Act so that the women-owned small businesses can finally have a procurement program that makes a real difference, not a 2 percent difference. For example, our bill would substantially broaden the range of applicable business industries for women across this Nation and take down the unnecessary barriers it has recently proposed. Women-owned small businesses deserve more than 2 percent of available business industries. These four industries will do little to nothing to help Federal agencies reach its statutory government-wide goal. Sadly enough, one of the industries the SBA has selected does not

allow for any private business participation, let alone women business participation.

Our bill also would preclude the SBA from promulgating a final rule that requires individual agencies to admit to past discrimination as a prerequisite for participation in the set-aside program. We find it difficult to envision a circumstance in which any agency would make such an admission. Furthermore, this requirement is not mandated anywhere in the Small Business Act.

Our bill has gained the support of women-owned small businesses across the Nation including major women's organizations like the U.S. Women's Chamber of Commerce, Women Impacting Public Policy, the National Women Business Owners Corporation, the Women Presidents' Organization, the Women Presidents' Educational Organization, and the Women's Business Development Center.

It has been nearly 14 years since the women's 5 percent government-wide contracting goal was established in 1994, but since its enactment, the women's contracting goal has never been met. Shockingly, at the historical percentage rate of increase, it would take until 2019 for this goal to be met—25 years after enactment of the original statutory requirement.

According to recent figures, women-owned firms in the U.S. generate \$1.1 trillion in annual sales and employ 7.2 million people nationwide. I take great pride that my own state of Maine is a forerunner for women-owned businesses with more than 63,000 women-owned firms, creating 75,000 jobs, and spurring more than \$9 billion in sales.

The SBA must develop a functioning procurement program that will cultivate women business so that they in turn can help grow our Nation's economy. This is why women businesses need a workable procurement program that does not create impenetrable barriers and provide so few business opportunities. Our bill eliminates these barriers and gives women-owned small business a tool they can use that will help them continue to grow our suffering economy. If ever there were a time to secure new avenues to generate revenue and spur the economy, wouldn't that time be now?

I urge my colleagues in Congress to support this vital legislation, so that we in Congress can make sure that the SBA publishes a meaningful final rule that will assist the Federal Government to satisfy—if not exceed—its government-wide contracting goal, and to help women-owned small businesses to stimulate our Nation's economy.

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. 2608

*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 "Small Business Women's Procurement Program Improvement Act".

#### SEC. 2. FINDINGS.

Congress finds—

(1) based on evidence presented by Congressional witnesses, testimony before Congress, and studies and reports, that women-owned small business concerns are under represented in certain identified industries with respect to Federal procurement contracting; and

(2) the women's small business government-wide statutory goal has never been achieved since the time of its enactment.

#### SEC. 3. SMALL BUSINESS ACT PROGRAM IMPROVEMENTS.

Section 8(m) of the Small Business Act (15 U.S.C. 637(m)) is amended—

(1) in paragraph (2)(C), by striking "(3)" and inserting "(4)";

(2) in paragraph (2), by striking subparagraph (D) and inserting the following:

"(D) the contract is consistent with the requirements set forth in subsection (a)(1)(D)(i);";

(3) by striking paragraph (4) and inserting the following:

"(4) IDENTIFICATION OF INDUSTRIES.—

"(A) STUDY REQUIRED.—The Administrator shall conduct a study 5 years after the date on which the program under this section is implemented, to identify industries in which small business concerns owned and controlled by women are underrepresented with respect to Federal procurement contracting.

"(B) PRESUMPTION RELATING TO UNDERREPRESENTATION.—For purposes of this subsection, the industries identified by the 2007 North American Industry Classification System Code as industry codes 11 through 81 (as published by the Bureau of the Census) shall be presumed to be industries in which small business concerns owned and controlled by women are underrepresented with respect to Federal procurement contracting."; and

(4) by adding at the end the following:

"(7) NO PAST FINDING OF DISCRIMINATION REQUIRED.—Notwithstanding any other provision of law, a contracting officer need not make a finding of past gender discrimination by a contracting agency in order to comply with or otherwise be subject to the requirements of this subsection.".

By Mr. FEINGOLD (for himself, Mr. COLEMAN, Mr. CASEY, Mr. COCHRAN, Mr. KERRY, Mr. WHITEHOUSE, and Mr. VOINOVICH):

S. 2609. A bill to establish a Global Service Fellowship Program, and for other purposes; to the Committee on Foreign Relations.

Mr. FEINGOLD. Mr. President, today I am pleased to reintroduce the Global Service Fellowship Program Act. This important bipartisan bill would provide more Americans the opportunity to volunteer overseas and strengthen our existing Federal international education and exchange system. The U.S. Government needs to be taking a greater role in providing opportunities for U.S. citizens to volunteer overseas, and my bill will enhance U.S. efforts to be a global leader in people-to-people engagement.

People-to-people engagement is one of the United States' most effective public diplomacy tools and, today more than ever, we need to be investing in every opportunity to improve the perception of the U.S. overseas.

I often hear from constituents about their experiences volunteering overseas and how those experiences impacted their lives and the lives of those who they were helping. For example, I received an email from Eric Englund, from my hometown of Middleton, who wrote, "[My wife Jane and I] have been privileged to participate in international volunteering experiences in 2006 and 2007. In 2006 we spent 4 weeks in China teaching English to Chinese primary and secondary English teachers in Xingping, China. \* \* \* In 2007 we spent two weeks in Tanzania with Habitat for Humanity. . . . We return[ed] from both experiences humbled in the understanding of how lucky we have been and hungry to continue to share with others a cultural exchange that is hopefully symbiotic in helping us grow/learn/appreciate while at the same time sharing our knowledge, compassion and abilities with others." This email captures the life-changing effects that international volunteering often has on those who choose to commit their time and resources to volunteering across the globe.

Unfortunately, not enough of my constituents are able to volunteer overseas because of financial or time-related barriers. In an effort to reduce these barriers, I initially introduced, along with my colleague Senator COLEMAN, the Global Service Fellowship bill. Today, I am reintroducing a new and improved version of the bill.

This new bill builds on the original legislation but now ensures fellowships are not taxed, addresses the importance of geographical diversity in the selection process, and increases collaborative opportunities for the U.S. Agency for International Development and the Department of State in establishing and administering the program.

Additionally, congressional involvement has been changed from the original bill. The new version calls on participants to engage with Members of Congress prior to their departure and again upon their return by providing Members with a brief report of their experiences and impact abroad. The changes are intended to ensure that fellows are selected based on the merits while preserving for Members of Congress the opportunity, if they so wish, to engage directly with constituents who have volunteered for significant overseas work, whether by a personal exchange, a public event or correspondence that recognizes the value of their volunteer efforts.

Studies have shown that in areas where U.S. citizens have volunteered their time, money, and services, opinions of the U.S. have improved. Greater investment in volunteer opportunities has significant potential to improve the image of the U.S. overseas and while we have important programs already in place—the Peace Corps, programs administered through the Department of State's Bureau of Education and Cultural Affairs, and

USAID's Volunteers for Prosperity—were can and should be doing more.

My bill would cost \$150 million, which is more than offset by a provision that would require the IRS to deposit all of its fee receipts in the Treasury as miscellaneous receipts. CBO has estimated that this offset will save \$559 million over 5 years for net deficit reduction of just over \$400 million.

I am pleased that my colleagues, Senators COLEMAN, CASEY, COCHRAN, KERRY, VOINOVICH, and WHITEHOUSE have joined me in re-introducing this bill. This program will be a valuable addition to our public diplomacy and our private humanitarian efforts overseas and I encourage my colleagues to support the bill.

By Mr. DORGAN (for himself, Mr. BROWN, and Mr. CASEY):

S. 2611. A bill to make bills implementing trade agreements subject to a point of order unless certain conditions are met, and for other purposes; to the Committee on Finance.

Mr. DORGAN. Mr. President, today I am introducing a piece of legislation aimed at changing the course of our international trade policy.

Part of the problem with our current trade agenda is that there is no mechanism to gauge whether the trade agreements we enter into are successful—and there is no mechanism to withdraw from agreements that have not been successful.

So I am joining with Senators BROWN and CASEY in introducing the Trade Agreement Benchmarks and Accountability Act, which aims to fix that.

This is how the bill would work.

The legislation would create a point of order in the Senate against any future bill implementing a new trade agreement unless it included benchmarks to gauge the success or failure of the agreement.

The benchmarks would include, at a minimum, the trade agreement's impact in four respects.

First, the number of U.S. jobs created and lost.

Second, the impact on U.S. wages.

Third, the extent to which U.S. exports gain foreign market access in key sectors.

Fourth, the extent to which labor and environmental laws are followed and enforced.

The U.S. Trade Representative's office could include additional benchmarks in the implementing legislation, at their discretion.

Every 5 years, the U.S. International Trade Commission, ITC, would assess whether the benchmarks in the implementing legislation had been met.

If the ITC determined that any of the benchmarks were not met, there would be an expedited process under which the House and the Senate would consider a privileged resolution to pull the United States out of the trade agreement.

The resolution would be considered under expedited rules. The resolution

would first be referred to the Ways and Means and Finance committees. If those committees failed to report out the resolution within a set period of time, either favorably or unfavorably, the resolution would be automatically discharged to the full House and Senate.

The resolution would not be amendable, and a floor vote in the House and the Senate on whether to approve the resolution would be mandatory.

Let me explain why something like this is necessary.

When NAFTA was sent to Congress for a vote in 1993, its advocates said that there would be 200,000 new jobs created annually as a result.

The proponents relied on a study by economists Gary Clyde Hufbauer and Jeffrey Schott. Hufbauer and Schott actually predicted that NAFTA would create 170,000 new jobs by 1995. But proponents of the deal in the administration and the Senate rounded this number up to 200,000 jobs.

Well, we now know that NAFTA has resulted in hundreds of thousands of job losses. About 412,000 U.S. jobs have been certified as lost to NAFTA, under just one program at the U.S. Labor Department.

In 2003, 10 years after NAFTA had been approved, I commissioned a study from the Congressional Research Service, which identified the top 100 companies that laid off U.S. workers as a result of NAFTA, between 1994 and 2002.

To come up with its data, CRS turned to the Department of Labor, which has a "Trade Adjustment Assistance" program that gives temporary benefits to workers laid off due to NAFTA.

This program requires companies to certify that they intended to eliminate U.S. jobs specifically because of NAFTA. This means that we can directly attribute these job losses to NAFTA.

These 100 companies accounted for 201,414 U.S. jobs lost specifically due to NAFTA. In every instance, the companies doing the layoffs certified that the jobs were being cut directly because of NAFTA.

If you look at all U.S. companies that participated in the Department of Labor program, the total number of U.S. jobs lost due to NAFTA is 412,177—and that is just under this one program alone.

There are some very familiar products, which many people consider all-American, now being produced in Mexico.

Levi Strauss laid off 15,676 U.S. workers due to NAFTA, and now makes its jeans in Mexico.

In March 2003, Kraft Foods closed the Nabisco plant in Fair Lawn, NJ, that made Fig Newtons. About 240 jobs were lost right there. Those jobs are now in Monterrey, Mexico. Kraft Foods has cut about 955 jobs due to NAFTA.

Fruit of the Loom laid off 5,352 U.S. workers in Texas alone, and thousands more in Louisiana. I have often said

that it is one thing to lose your shirt, quite another to lose your shorts.

In March 2001, Mattel closed its last factory in the U.S.—a western Kentucky plant that produced toys such as Barbie playhouses and battery-powered pickups for nearly 30 years. The company shifted production at the 980-employee Kentucky plant to factories in Mexico.

John Deere has laid off about 1,150 workers, who made lawn mowers and chainsaws, and moved the jobs to Mexico.

By the way, in addition to this CRS study, a separate study by the Economic Policy Institute found that the overall net effect of NAFTA had been the loss of nearly 800,000 American jobs.

Today, the administration and the U.S. Trade Representative are careful to avoid promising that new trade agreements will create more U.S. jobs than the agreements will destroy.

But the administration has no problem figuring out how great trade deals will be for other countries.

One month before the administration signed a trade agreement with Korea last year, our principal negotiator in Korea, Assistant U.S. Trade Representative Wendy Cutler, was already touting the benefits that the agreement would offer Korea:

An FTA with the United States is predicted to produce significant economic benefits for the Korean economy, increasing Korea's real GDP by as much as 2%, establishing a foundation for Korea to achieve per capita income to as high as \$30,000, boosting exports to the United States by 15%, and creating 100,000 new jobs.

Remarkably, Ms. Cutler had no difficulty predicting a specific level of job creation in Korea. But she made no similar projection with respect to the United States.

Well, we need accountability in trade agreements. And the best way to do that is with benchmarks.

This is a forward-looking strategy for a successful trade policy that is in America's national interest.

Our bill would apply only to future trade agreements. It would not apply retroactively to NAFTA.

I should say, however, that I think it is important that we gauge the impact of NAFTA on U.S. jobs. And I was able to include language in the omnibus conference report that will require the Department of Labor, by the end of 2008, to calculate the net impact of NAFTA on U.S. jobs, industry by industry.

In any event, we think that this piece of legislation should be embraced by the U.S. Congress, because the American people are beginning to demand accountability in trade.

On October 4, the Wall Street Journal provided fresh evidence that the American people don't believe that free trade deals are creating jobs.

The Wall Street Journal ran a story with the headline "Republicans Grow Skeptical on Free Trade."

The story described a poll, which found that by a two-to-one margin, Republican voters believe free trade deals have been bad for the U.S. economy.

It turns out that dissatisfaction with our current trade policy is a bipartisan sentiment.

The poll found that 59 percent of polled Republican voters agreed with the following statement:

Foreign trade has been bad for the U.S. economy, because imports from abroad have reduced demand for American-made goods, cost jobs here at home, and produced potentially unsafe products.

Only 32 percent of polled Republican voters agreed with the following statement:

Foreign trade has been good for the U.S. economy, because demand for U.S. products abroad has resulted in economic growth and jobs for Americans here at home and provided more choices for consumers.

This poll suggests a dramatic change in the way Americans view free trade agreements.

In December 1999, the Wall Street Journal did a poll that found that only 31 percent of Republican voters thought free trade agreements had hurt our country.

But in this month's poll, the Wall Street Journal found that the number of Republican voters opposing free trade agreements had risen from 31 percent to 59 percent.

Clearly, the American people have seen the results of free trade deals, and they don't like what they see. They demand accountability. And the Trade Agreement Benchmarks and Accountability Act would give them precisely that.

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. 2611

*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 "Trade Agreement Benchmarks and Accountability Act".

#### SEC. 2. LIMITATIONS ON BILLS IMPLEMENTING TRADE AGREEMENTS.

(a) IN GENERAL.—Notwithstanding section 151 of the Trade Act of 1974 (19 U.S.C. 2191) or any other provision of law, any bill implementing a trade agreement between the United States and another country shall be subject to a point of order pursuant to subsection (c) unless the bill—

(1) is accompanied by a statement of the benchmarks described in subsection (b)(1) and that statement is approved as part of the implementing bill; and

(2) contains the reporting provisions described in subsection (b)(2).

(b) BENCHMARKS AND REPORTING PROVISIONS.—

(1) BENCHMARKS.—

(A) IN GENERAL.—Each bill implementing a trade agreement shall be accompanied by a statement that contains benchmarks described in subparagraph (B) and predictions made by the International Trade Commission, the United States Trade Representa-

tive, and other Federal agencies, of the impact the implementation of the agreement will have on the United States economy.

(B) DESCRIPTION OF BENCHMARKS.—The benchmarks described in this subparagraph are as follows:

(i) An estimate of the number of new jobs that will be created, the number of existing jobs that will be lost, and the expected net effect on job creation in the United States as a result of the agreement. The estimate shall include the number and type of the new jobs that will be created and lost.

(ii) An assessment and quantitative analysis of the extent to which the agreement will result in an improvement in wages for workers in the United States.

(iii) An assessment and quantitative analysis of how each country that is a party to the agreement is implementing and enforcing the labor and environmental standards that are part of the agreement.

(iv) A quantitative analysis of the extent to which the agreement will result in an increase in the access by United States businesses to the market of each country that is a party to the agreement, particularly those sectors identified by the United States Trade Representative as of special importance with respect to the agreement.

(2) REPORTING PROVISIONS.—The reporting provisions described in this subsection are that each bill implementing a trade agreement shall contain a requirement that not later than 5 years after the date the agreement enters into force with respect to the United States, and every 5 years thereafter, the International Trade Commission shall submit to Congress a report that provides an assessment and quantitative analysis of how the trade agreement has resulted in meeting the benchmarks described in paragraph (1).

(3) CONTENTS AND CONCLUSIONS OF REPORT.—The International Trade Commission shall determine in any report required by this section regarding an agreement whether the benchmarks and predictions described in paragraph (1)(B) (i) and (ii) have been met with respect to that agreement.

(c) POINT OF ORDER IN SENATE.—The Senate shall cease consideration of a bill to implement a trade agreement, if—

(1) a point of order is made by any Senator against any bill implementing a trade agreement that is not accompanied by statement regarding the benchmarks to be achieved by the agreement or does not contain the reporting provisions regarding the benchmarks described in subsection (b); and

(2) the point of order is sustained by the Presiding Officer.

(d) WITHDRAWAL OF APPROVAL.—

(1) IN GENERAL.—The approval of Congress, provided in a bill to implement a trade agreement, shall cease to be effective if, and only if, a report described in subsection (b) indicates that the benchmarks and predictions made in connection with the agreement are not being met and a joint resolution described in subsection (e) is enacted into law pursuant to the provisions of subsection (e) and paragraph (2).

(2) PROCEDURAL PROVISIONS.—

(A) IN GENERAL.—The requirements of this paragraph are met if the joint resolution is enacted under subsection (e), and—

(i) Congress adopts and transmits the joint resolution to the President before the end of the 1-year period (excluding any day described in section 154(b) of the Trade Act of 1974 (19 U.S.C. 2194(b)), beginning on the date on which Congress receives a report described in subsection (b); and

(ii) if the President vetoes the joint resolution, each House of Congress votes to override that veto on or before the later of the last day of the 1-year period referred to in clause (i) or the last day of the 15-day period

(excluding any day described in section 154(b) of the Trade Act of 1974) beginning on the date on which Congress receives the veto message from the President.

(B) INTRODUCTION.—A joint resolution to which this section applies may be introduced at any time on or after the date on which the International Trade Commission transmits to Congress a report described in subsection (b), and before the end of the 1-year period referred to in subparagraph (A)(i).

(e) JOINT RESOLUTIONS.—

(1) JOINT RESOLUTIONS.—For purposes of this section, the term "joint resolution" means only a joint resolution of the 2 Houses of Congress, the matter after the resolving clause of which is as follows: "That Congress withdraws its approval, provided under section \_\_\_ of the \_\_\_\_\_, of the \_\_\_\_\_ Agreement.", with the first blank space being filled with the section of the Act implementing and approving the applicable agreement, the second blank space being filled with the name of the Act implementing and approving the agreement, and the third blank space being filled with the title of the agreement.

(2) PROCEDURES.—

(A) INTRODUCTION AND REFERRAL.—

(i) HOUSE OF REPRESENTATIVES.—Joint Resolutions in the House of Representatives—

(I) may be introduced by any Member of the House;

(II) shall be referred to the Committee on Ways and Means and, in addition, to the Committee on Rules; and

(III) may not be amended by either Committee.

(ii) SENATE.—Joint Resolutions in the Senate—

(I) may be introduced by any Member of the Senate;

(II) shall be referred to the Committee on Finance; and

(III) may not be amended.

(B) CONSIDERATION BY COMMITTEES.—

(i) HOUSE OF REPRESENTATIVES.—It is not in order for the House of Representatives to consider any resolution that is not reported by the Committee on Ways and Means and, in addition, by the Committee on Rules.

(ii) SENATE.—It is not in order for the Senate to consider any resolution that is not reported by the Committee on Finance.

(C) APPLICATION OF OTHER PROVISIONS.—The provisions of section 152 (c), (d), and (e) of the Trade Act of 1974 (19 U.S.C. 2192 (c), (d), and (e)) (relating to discharge of committees and floor consideration of certain resolutions in the House and Senate) shall apply to joint resolutions under this section to the same extent as such provisions apply to resolutions under such section.

(3) RULES OF HOUSE OF REPRESENTATIVES AND SENATE.—This subsection is enacted by Congress—

(A) as an exercise of the rulemaking power of the House of Representatives and the Senate, respectively, and as such is deemed a part of the rules of each House, respectively, and such procedures supersede other rules only to the extent that they are inconsistent with such other rules; and

(B) with the full recognition of the constitutional right of either House to change the rules (so far as relating to the procedures of that House) at any time, in the same manner and to the same extent as any other rule of that House.

By Mr. KERRY:

S. 2612. A bill to provide economic stimulus for small business concerns; to the Committee on Small Business and Entrepreneurship.

Mr. KERRY. Mr. President, data from the Federal Reserve Bank and the

Small Business Administration show that the home mortgage crisis is spreading, making it harder and more expensive for small businesses to get loans. Specifically, according to the Federal Reserve's survey, more than 30 percent of domestic banks indicated that they have tightened their credit standards for commercial and industrial loans to small businesses over the past three months. That same survey also found that 80 percent of the domestic banks reported tighter lending standards for commercial real estate loans—the highest percentage recorded since the Fed began posing the question 18 years ago.

While that information is troubling, it is not a surprise. So far this fiscal year, the number of loans made through the SBA's largest lending program, the 7(a) loan guaranty program, dropped 14 percent compared with the same period last year, and dollar volume fell six percent. Lending in SBA's 504 loan program, after growing steadily over the last few years, and being up even three months ago, has gone flat. These figures are alarming because, historically, SBA loan activity has increased when the conventional credit market has tightened and their absence or smaller role in financing is a problem. Why? These two loan programs—the 7(a) Loan Guaranty program and the 504 Loan Guaranty program—are the largest source of long-term capital to small businesses in this country. They play an essential role in the continuum of financing to our small businesses.

As we talked to lenders and SBA to try and understand what was causing this trend, we identified several changes we could make to SBA's lending programs to try and stimulate the economy. What could we do to get lenders to start lending again, and how could we make it more affordable for small businesses? The bill I am introducing today—the Small Business Lending Stimulus Act of 2008—incorporates those findings. We made the changes temporary, targeted, and timely. We have evidence that these changes work, because we did something similar, in a bipartisan way, after the terrorist attacks of 9-11, and it stimulated the economy and mitigated job loss and business closures by pumping almost \$3 billion into our local economies.

Unfortunately, there is no magic bullet to right the economy, but we need to use every tool at our disposal to mitigate further problems for our economy. The SBA's programs are one effective tool. I hope that my colleagues can get behind this legislation.

## SUBMITTED RESOLUTIONS

SENATE RESOLUTION 445—EX-PRESSING THE SENSE OF THE SENATE ON THE ASSASSINATION OF FORMER PRIME MINISTER OF PAKISTAN BENAZIR BHUTTO, AND THE POLITICAL CRISIS IN PAKISTAN

Mr. BIDEN (for himself, Mr. OBAMA, Mr. BAUCUS, Mr. DURBIN, Mr. HARKIN, Mr. CASEY, Mr. MENENDEZ, Mr. REID, and Mrs. FEINSTEIN) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 445

Whereas, on October 18, 2007, former Prime Minister of Pakistan Benazir Bhutto returned to Pakistan after more than 8 years in exile, and was welcomed by supporters numbering in the hundreds of thousands;

Whereas hours after her return, a suicide bomb attack on her convoy in Karachi killed 145 people and narrowly missed killing Benazir Bhutto herself, in one of the most violent terrorist attacks in Pakistan's history;

Whereas Members of Congress and other friends of Pakistan wrote to President of Pakistan Pervez Musharraf weeks prior to the October 18, 2007, attack on Benazir Bhutto, urging support for the democratic process and the provision of adequate security for democratic leaders such as Benazir Bhutto;

Whereas Members of Congress and other friends of Pakistan wrote to President of Pakistan Pervez Musharraf immediately after the October 18, 2007, attack, urging that a specific set of security measures be taken to protect Benazir Bhutto, and that a full investigation into the October 18 attack be undertaken;

Whereas, on November 3, 2007, President Musharraf, in his role as Chief of Army Staff of Pakistan, declared a state of emergency, suspended the Constitution of Pakistan, dismissed Supreme Court Chief Justice Iftikhar Chaudhry and other justices of the Supreme Court and provincial High Courts, replacing them with candidates willing to take an oath to uphold his actions during the suspension of the Constitution, and initiated a nationwide crackdown on political opposition, the media, and the courts of Pakistan that resulted in the arrest of more than 1,000 political opponents;

Whereas, on December 15, 2007, President Musharraf lifted the State of Emergency, but did not reinstate the dismissed Supreme Court and High Court justices, allow full freedom of the press, or release all political prisoners arrested during the crackdown;

Whereas President Musharraf justified his actions in November 2007 on the grounds of more effective counterterrorism efforts, beginning his November 3 proclamation with the statement, "Whereas there is visible ascendancy in the activities of extremists and incidents of terrorist attacks, including suicide bombings, IED explosions, rocket firing and bomb explosions and the banding together of some militant groups have taken such activities to an unprecedented level of violent intensity posing a grave threat to the life and property of the citizens of Pakistan";

Whereas, on December 27, 2007, Benazir Bhutto was killed in the garrison town of Rawalpindi;

Whereas video footage, backed up by eyewitness testimony, shows at least 1 gunman firing shots at Benazir Bhutto instants be-

fore her death, and a second terrorist detonating a bomb near her vehicle shortly after the firing of the gunshots;

Whereas the precise circumstances surrounding both the October 18, 2007, attack and the December 27, 2007, assassination remain unclear, and those responsible for both terrorist attacks remain at large;

Whereas President Musharraf has accepted the assistance of Scotland Yard in his government's investigation of the assassination of Benazir Bhutto, but has rejected calls for an independent investigation under the auspices of the United Nations;

Whereas President Musharraf has used the turmoil following the assassination of Benazir Bhutto to delay elections from their scheduled date of January 8, 2008, to February 18, 2008;

Whereas Benazir Bhutto's political party and the other major opposition parties had opposed this delay, and have expressed concern that it was motivated by an intention to shape the outcome of the election through poll-rigging or other improper means;

Whereas the current political crisis in Pakistan has a grave impact on the national security of the United States, in that it seriously undermines the ability of the Government of Pakistan to devote adequate resources and attention to the fight against al Qaeda, the Taliban, and other extremist forces;

Whereas the political crisis in Pakistan cannot be resolved without a speedy return to the democratic path, including free and fair elections and restoration of an independent judiciary in accordance with the express wishes of the vast majority of the people of Pakistan;

Whereas the United States has provided Pakistan with approximately \$10,000,000,000 in assistance over the past 6 years; and

Whereas, on December 26, 2007, President Bush signed H.R. 2764, an omnibus spending bill which limited United States military aid to Pakistan to counterterrorism and law enforcement activities directed against al Qaeda and the Taliban, and which withheld \$50,000,000 in military aid until such time as the Secretary of State reports that Pakistan has restored democratic rights and an independent judiciary, and is making concerted efforts to fight al Qaeda and the Taliban: Now, therefore, be it

*Resolved*, That the Senate—

(1) conveys the deep condolences of the people of the United States to the people of Pakistan on the tragic loss of former Prime Minister Benazir Bhutto, and conveys special condolences to the families of Benazir Bhutto and the other victims of this terrorist attack;

(2) condemns, in the strongest possible terms, the murder of Benazir Bhutto on December 27, 2007, and the slaughter of at least 165 other Pakistani citizens in this attack and the prior attempt on Benazir Bhutto's life in Karachi on October 18, 2007;

(3) calls upon the Government of Pakistan to do everything in its power to bring the perpetrators of these crimes to justice, and to permit investigators to follow their inquiries in whatever direction they may lead;

(4) calls upon the Government of Pakistan to support and facilitate an independent inquiry into the assassination of Benazir Bhutto;

(5) strongly urges the Government of Pakistan to ensure that free and fair elections are held on February 18, 2008, as scheduled, and that independent election monitors are allowed to monitor the elections;

(6) calls upon the Election Commission of Pakistan to remove all of the restrictions it

recently placed on election observation activities, which included efforts to restrict observer movement and the conduct of exit polling on Election Day;

(7) urges President Pervez Musharraf of Pakistan to replace the partisan caretaker governments at the federal, provincial, and district levels with neutral administrations acceptable to all major political parties, and to reconstitute the Election Commission as a genuinely nonpartisan body;

(8) calls upon the Government of Pakistan to provide adequate security, including the provision of adequately armored vehicles and properly functioning jamming equipment to help prevent the detonation of explosive devices, to all senior opposition political leaders;

(9) calls upon the Government of Pakistan to release those individuals still being detained without charges and to end the ongoing harassment of judges, opposition party activists, and lawyers;

(10) calls for the restoration of Pakistan's independent judiciary and an end to all restrictions on the media and freedom of speech;

(11) calls upon the President to review all existing United States aid to Pakistan, to ensure that all assistance furthers the common goals shared by the people of Pakistan and the United States, with specific reference to combating violent radicalism and promoting a free and democratic Pakistan; and

(12) if the President's review concludes that the conditions described in paragraph (11) are not met, calls upon the President to suspend (until such time as such conditions can be met) the transfer to Pakistan of weapons systems primarily designed and manufactured for combat against a rival state rather than counterterrorism or counterinsurgency.

Mr. BIDEN. Mr. President, it has been a month—almost to the day—that former Pakistani prime minister Benazir Bhutto was assassinated.

She was murdered barely a mile from the site where her own father, also a prime minister, had been executed by a military strongman nearly two decades earlier.

She was killed by a terrorist attack in the very same park where, over half a century ago, Pakistan's very first prime minister was gunned down under circumstances that to this day remain clouded in mystery.

The death of Ms. Bhutto was not the first time a Pakistani leader met a violent end. But never has the loss been greater—for Pakistan, and for friends of democracy the world over.

Never has the danger posed by such a loss been more serious—for Pakistan, and for the U.S. as well.

For many Members of this body, the loss of Ms. Bhutto comes as a personal shock. Some of us knew Benazir during her tenure in office, others had met her during her years of exile.

Anyone who encountered the prime minister can understand the sadness experienced by Pakistanis of all political outlooks.

The murder of Ms. Bhutto was a human tragedy, but one with potentially dire political and national security repercussions. In the wake of this shocking act of terrorism, Pakistani democracy remains seriously threatened.

This is not merely a matter of concern to Pakistan, but to the U.S. as well. Until the political crisis in Pakistan is resolved, no government in Islamabad will have the focus, the will, or the military and intelligence resources necessary to combat the threat of al-Qaeda terrorism and Taliban insurgency effectively.

The resolution I offer expresses condolences on the murder of Ms. Bhutto and condemns the cowardly terrorists who cut short the life of a brave and brilliant woman.

It calls for a genuinely independent inquiry, to clear up the mysteries surrounding this crime—an attack not only on one leader, but on Pakistani democracy itself.

It calls upon the government of Pakistan to return to the democratic path by insuring free and fair elections without further delays; by releasing all political detainees; by revoking restrictions on the press and free speech; and by restoring a genuinely independent judiciary.

It also calls on the President of the review all U.S. aid to Pakistan—as he promised to do immediately after Pakistan's current leader suspended the constitution and declared a State of Emergency in November.

The White House review found—to nobody's surprise—that no significant change in policy was required. The resolution I offer calls for a more targeted and more open-eyed approach.

It calls on the President to ensure that all assistance furthers the common goals shared by the people of Pakistan and the U.S., with specific reference to combating violent radicalism and promoting a free and democratic Pakistan; and

It calls on the President, if he cannot make such a declaration, to suspend the transfer of weapons systems primarily designed and manufactured for combat against a rival state rather than counterterrorism or counterinsurgency.

What does this mean?

In simple language, it calls upon President Bush to match his words with deeds. For the good of the Pakistani people, and for the national security interests of the United States.

The President has often said that a democratic Pakistan will be our best partner in the battle against radical theocrats and bloodthirsty terrorists.

I wholeheartedly agree—and urge the President to demonstrate that his words are something more than empty rhetoric.

Specifically, I urge the President to let the Pakistani military establishment know that the \$10 billion we have provided in assistance over the past 6 years—the vast bulk of it security assistance—is not a blank check.

The American people and the Pakistani people, have a right to insist that their money is being well spent.

At a time when Pakistani soldiers and paramilitary troop are sent to fight the Taliban without bulletproof

vests, without sufficient ammunition, sometimes marching through the snow in sandals rather than combat boots.

At such a time, does it make sense to spend \$500 million on high-tech, highcost, nuclear-capable fighter aircraft?

Does it make sense to spend hundreds of millions on P-3 naval surveillance aircraft specifically designed to hunt submarines?

So far as I know, al-Qaeda has not yet developed a submarine navy.

The White House claims that weapons systems like these are indeed counterterrorism tools, but such a claim is an insult to common sense.

Yes, it is possible to drop a bomb on a terrorist from a supersonic jet—and our pilots sometimes do so.

Yes, it is possible to use P-3s to track fishing boats rather than submarines—and our pilots may do that too. But let us get real here.

The primary use of these weapons has nothing to do with counterterrorism—using them for this purpose is like swatting flies with a sledgehammer.

Moreover, this resolution doesn't even mandate that such weapons transfers be terminated. It merely urges that they be suspended: temporarily put on hold, until the current political crisis has passed.

Why is this necessary? For starters, because the administration has consistently failed to apply a common-sense approach to its Pakistan policy—and shows no sign of starting to do so now. I'll give just one example, but I could select from dozens.

A few days after the assassination of Benazir Bhutto, just as Pakistani President Musharraf was deliberating over whether or not to postpone elections in which Bhutto's party was nearly certain to prevail, the Pentagon awarded a contract for fighter jets worth \$498 million.

Despite a direct Congressional inquiry several weeks earlier, no member of the Foreign Relations Committee—or any other committee, so far as I know—was alerted to this sale.

The administration claims this was merely a coincidence, that the deal had been in the works for a long time, that no policy-maker had any say in the timing of the announcement.

Perhaps that is true. If so, all the more reason for Congress to lay down a marker.

I first suggested putting noncounterterrorism security aid on the table on November 4—the morning after President Musharraf effectively declared a coup d'etat against his own government.

I did so moments after speaking by phone with Benazir Bhutto, who had just returned to Pakistan from 8 years in exile, and who had narrowly escaped a bomb blast on her convoy that left 140 of her supporters dead.

I urged President Musharraf to step back from the brink of disaster, to revoke an order that could destroy his country's democracy.

I urged President Bush to use U.S. military aid as a carefully calibrated lever, in order to make sure our arms and our money helped make Pakistan more free, and the U.S. more safe.

Later that week, I unveiled a comprehensive plan for long-term engagement with Pakistan—or moving our strategy from a “Musharraf policy” to a “Pakistan policy.” In broad strokes, the basic elements of this plan are:

Triple non-security aid, to \$1.5 billion annually. For at least a decade. This aid would be unconditional: it is our pledge to the Pakistani people.

Instead of funding military hardware, it would build schools, clinics, and roads.

Condition security aid on performance. We should base our security aid on clear results.

We are now spending well over \$1 billion annually, and it is not clear we are getting our money’s worth.

We should be willing to spend more if we get better returns—and less if we don’t.

Help Pakistan enjoy a “democracy dividend.” The first year of genuine democratic rule should bring an additional \$1 billion, above the \$1.5 billion non-security aid baseline, with future non-security aid calibrated, again, above the guaranteed baseline, to Pakistan’s institutionalization of democratic and good-governance norms.

We have got to help moderate, secular political leaders show the Pakistani people that they can deliver the goods.

Engage the Pakistani people, not just their rulers. We need a broad-based engagement, not just government to government.

This will involve everything from improved public diplomacy to reviewing visa procedures and textile quotas to reversing this administration’s shameful torture policies and shutting the prison at Gitmo.

Today is not the day to delve into the specifics of long-term strategy; I will come to the floor at a later date and sketch out this comprehensive plan in greater detail.

Today is a time for all of us to come together in support of a resolution which, I would hope, expresses the sentiments of every Member here.

All of us, surely, send our condolences on the death of Benazir Bhutto, and condemn her bloodthirsty assassins.

All of us, surely, want to see her murderers—and those who arranged her murder—brought to justice.

All of us, surely, want to see Pakistan set firmly back on the democratic path.

All of us, surely, want to make certain that the billions of dollars we send to Pakistan in aid genuinely serve the purposes for which it is intended—that it bolsters a stable, moderate, democratic state, and that it supports the battle against the violent terrorist groups who have declared war on the U.S. and Pakistan alike.

SENATE CONCURRENT RESOLUTION 66—COMMEMORATING THE 175TH ANNIVERSARY OF THE COMMENCEMENT OF THE SPECIAL RELATIONSHIP BETWEEN THE UNITED STATES AND THE KINGDOM OF THAILAND

Mr. WEBB (for himself, Mr. BIDEN, Mr. LUGAR, Mr. WARNER, Mr. DODD, Mr. HAGEL, Mrs. BOXER, and Ms. MURKOWSKI) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 66

Whereas 2008 marks the 175th anniversary of the signing of the Treaty of Amity and Commerce between the United States and the Kingdom of Thailand in 1833, during President Andrew Jackson’s administration and the reign of King Rama III, and the commencement of the relationship between the 2 countries;

Whereas Thailand was the first treaty ally of the United States in the Asia-Pacific region and remains a steadfast friend with shared values of freedom, democracy, and liberty;

Whereas, in December 2003, the United States designated Thailand as a major ally outside the North Atlantic Treaty Organization, which improved the security of both countries, particularly by facilitating joint counterterrorism efforts;

Whereas, for more than a quarter century, Thailand has been the host country of Cobra Gold, the United States Pacific Command’s annual multinational military training exercise, designed to ensure regional peace and promote regional security cooperation;

Whereas, in the wake of the tragic 2004 tsunami, the United States and Thailand launched joint relief operations from Utapao, Thailand, strengthening the overall capacity of the forces involved in providing relief and setting the model for effective humanitarian operations throughout the entire region affected by the deadly tsunami;

Whereas Thailand is a key partner of the United States in Southeast Asia and has supported closer relations between the United States and the Association of Southeast Asian Nations;

Whereas, on June 22, 2006, Congress agreed to House Concurrent Resolution 409, 109th Congress, commemorating the 60th anniversary of the ascension to the throne of His Majesty King Bhumibol Adulyadej of Thailand;

Whereas, on December 5, 2007, the people of Thailand celebrated the 80th birthday of His Majesty King Bhumibol Adulyadej, the world’s longest-serving monarch, who is loved and respected for his lifelong dedication to the social and economic development of the people of Thailand;

Whereas, on December 23, 2007, the Royal Thai Government held nationwide parliamentary elections that are paving the way for a successful return of democracy to Thailand;

Whereas approximately 500,000 people of Thai descent live in the United States, joining in the pursuit of the American Dream;

Whereas Thailand is the 20th largest trading partner of the United States, with bilateral trade totaling approximately \$30,600,000,000 per year; and

Whereas the bonds of friendship and mutual respect between the United States and Thailand are strong; Now, therefore, be it

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

(1) commemorates the 175th anniversary of relations between the United States and the Kingdom of Thailand;

(2) offers sincere congratulations to the Kingdom of Thailand and the people of Thailand for the democratic, free, and fair elections held on December 23, 2007;

(3) commemorates the 80th birthday of His Majesty King Bhumibol Adulyadej of Thailand and offers sincere congratulations and best wishes for the continued prosperity of the Kingdom of Thailand; and

(4) looks forward to continued, enduring ties of friendship between the peoples of Thailand and the United States.

Mr. WEBB. Madam President, today I wish to introduce a resolution to commemorate the 175th anniversary of diplomatic relations between the United States and Thailand and the 80th birthday anniversary of His Majesty King Bhumibol Adulyadej of Thailand, and also to express our recognition for the success of the recent parliamentary election in that country.

I am very pleased to be joined by Senator BIDEN and Senator LUGAR, the chairman and ranking member of the Senate Foreign Relations Committee, together with Senators WARNER, DODD, HAGEL, BOXER, and MURKOWSKI as co-sponsors of this resolution.

Next month will mark 175 years of a special friendship between the United States and Thailand, which began with the signing of the Treaty of Amity and Commerce in 1833 during the administration of President Andrew Jackson, making Thailand our first treaty ally in Asia.

Throughout the years, Thailand has often been a close friend and strategic partner of the United States and has proven to be a dependable key ally in Southeast Asia, helpful to the United States’ interests in that region.

Sharing our values of freedom and liberty, Thailand has partnered with the United States in fighting numerous military engagements throughout our history, including its current support in the global war on terror.

In 2003, President Bush declared Thailand a major non-NATO ally, a designation which represents a close and extensive relationship between our two countries.

The United States has enjoyed dynamic, vast, and varied cooperation and partnership with Thailand, which have not only strengthened our bilateral relations, but in many ways have also benefitted the Asian region as a whole.

For more than a quarter century, Thailand has been the host country of Cobra Gold—the United States annual multinational military training exercise—to promote regional stability and security cooperation. As another case in point, the United States and Thailand’s joint relief operations in the wake of the tragic 2004 tsunami promoted the overall capacity of the international humanitarian forces in providing relief, setting a model for effective humanitarian operations in the region.

Madam President, I have visited Thailand many times over the past 25 years and have many friends in that country. I had the privilege of visiting

Thailand last year for the first time as a sitting Senator and was very pleased to see so much cooperation with the United States, particularly with our military. During our meetings, I was also gratified to see that so many Thai military leaders and Government leaders had been educated and trained in the United States—leading to the sense of lasting friendship and goodwill between our two countries toward our mutual interests.

On another important point, as was promised at the time of the political coup, which occurred in 2006, I am very pleased to be able to remind and reassure my colleagues that Thailand held democratic, free, and fair parliamentary elections in December of last year, marking a successful return to full-fledged democracy.

So I congratulate the new Thai Government. I look forward to the continuation of the long tradition of friendship and close cooperation between Thailand and the United States.

I urge quick passage of this resolution, which I now send to the desk.

#### AMENDMENTS SUBMITTED AND PROPOSED

SA 4009. Mr. KERRY 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 4010. Mr. REID (for himself, Mr. MCCONNELL, Mr. BAUCUS, Mr. GRASSLEY, Mr. STEVENS, Mrs. LINCOLN, Ms. SNOWE, Mr. SALAZAR, Mr. BUNNING, Mr. ALEXANDER, Mr. SUNUNU, Mr. VITTER, Mr. WICKER, Mr. BURR, Mr. ROBERTS, Mr. BROWNBACK, Mr. ISAKSON, and Mr. COLEMAN) proposed an amendment to the bill H.R. 5140, *supra*.

SA 4011. Mr. KERRY (for himself and Mr. SMITH) 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 4012. Mr. COBURN submitted an amendment intended to be proposed by him 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 4013. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 1200, *supra*; which was ordered to lie on the table.

#### TEXT OF AMENDMENTS

**SA 4009.** Mr. KERRY 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; as follows:

At the appropriate place, insert the following:

##### SEC. \_\_\_\_ . ECONOMIC STIMULUS SMALL BUSINESS CONCERNS.

(a) IN GENERAL.—For fiscal year 2008, and to the extent the cost of such reduction in fees are offset by appropriations, with respect to each loan guaranteed under section 7(a) of Small Business Act (15 U.S.C. 636(a)),

the Administrator of the Small Business Administration shall, in lieu of the fee otherwise applicable under section 7(a)(23)(A) of the Small Business Act (15 U.S.C. 636(a)(23)(A)), collect an annual fee in an amount equal to a maximum of .25 percent of the outstanding balance of the deferred participation share of that loan, and in lieu of the fee otherwise applicable under section 7(a)(18)(A) of the Small Business Act (15 U.S.C. 636(a)(18)(A)), collect a guarantee fee in an amount equal to a maximum of 1 percent of the deferred participation share of a total loan amount that is more than \$150,000, 2.5 percent of the deferred participation share of a total loan amount that is more than \$700,000, and 3 percent of the deferred participation share of a total loan amount that is more than \$700,000, and in lieu of the fee otherwise applicable under section 7(a)(18)(A)(iv) of the Small Business Act (15 U.S.C. 636(a)(18)(A)(iv)), collect no fee. In carrying out this subsection, the Administrator of the Small Business Administration shall reduce the fees for a loan guaranteed under section 7(a) of Small Business Act (15 U.S.C. 636(a)) to the maximum extent possible, subject to the availability of appropriations.

(b) APPROPRIATION.—There are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2008, for the “Business Loans Program Account” of the Small Business Administration, \$150,000,000 for loan subsidies and for loan modifications for loans to small business concerns authorized under subsection (a), and \$2,000,000, to remain available until expended, for direct loans under the Microloan Program under section 7(m) of the Small Business Act (15 U.S.C. 636(m)), and for the “Salaries and Expenses Account” of the Small Business Administration, \$10,000,000, to remain available until expended, for marketing, management, and technical assistance under section 7(m)(4) of the Small Business Act (15 U.S.C. 636(m)(4)) by intermediaries that make microloans under the Microloan Program: *Provided*, That the amounts provided under this subsection are designated as an emergency requirement pursuant to section 204 of S. Con. Res. 21 (110th Congress).

(c) APPLICATION OF FEE REDUCTIONS.—The Administrator of the Small Business Administration shall reduce the fees under subsection (a) for any loan guarantee subject to such subsection for which the application is pending approval on or after the date of enactment of this Act, until the amount provided for such purpose under subsection (b) is expended.

**SA 4010.** Mr. REID (for himself, Mr. MCCONNELL, Mr. BAUCUS, Mr. GRASSLEY, Mr. STEVENS, Mrs. LINCOLN, Ms. SNOWE, Mr. SALAZAR, Mr. BUNNING, Mr. ALEXANDER, Mr. SUNUNU, Mr. VITTER, Mr. WICKER, Mr. BURR, Mr. ROBERTS, Mr. BROWNBACK, Mr. ISAKSON, and Mr. COLEMAN) proposed an amendment to the bill H.R. 5140, to provide economic stimulus through recovery rebates to individuals, incentives for business investment, and an increase in conforming and FHA loan limits; as follows:

Strike all after the enacting clause and insert the following:

##### SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Economic Stimulus Act of 2008”.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—RECOVERY REBATES AND INCENTIVES FOR BUSINESS INVESTMENT  
Sec. 101. 2008 recovery rebates for individuals.

Sec. 102. Temporary increase in limitations on expensing of certain depreciable business assets.

Sec. 103. Special allowance for certain property acquired during 2008.

#### TITLE II—HOUSING GSE AND FHA LOAN LIMITS

Sec. 201. Temporary conforming loan limit increase for Fannie Mae and Freddie Mac.

Sec. 202. Temporary loan limit increase for FHA.

#### TITLE III—EMERGENCY DESIGNATION

Sec. 301. Emergency designation.

TITLE I—RECOVERY REBATES AND INCENTIVES FOR BUSINESS INVESTMENT  
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) 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.

“(2) NET INCOME TAX LIABILITY.—The term ‘net income tax liability’ means the excess of—

“(A) the sum of the taxpayer’s regular tax liability (within the meaning of section 26(b)) and the tax imposed by section 55 for the taxable year, over

“(B) the credits allowed by part IV (other than section 24 and subpart C thereof) of subchapter A of chapter 1.

“(3) ELIGIBLE INDIVIDUAL.—The term ‘eligible individual’ means any individual other than—

“(A) any nonresident alien individual.

“(B) any individual with respect to whom a deduction under section 151 is allowable to another taxpayer for a taxable year beginning in the calendar year in which the individual’s taxable year begins, and

“(C) an estate or trust.

“(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 secu-

rity number issued to an individual by the Social Security Administration. Such term shall not include a TIN issued by the Internal Revenue Service.”

(b) ADMINISTRATIVE AMENDMENTS.—

(1) DEFINITION OF DEFICIENCY.—Section 6211(b)(4)(A) of the Internal Revenue Code of 1986 is amended by striking “and 53(e)” and inserting “53(e), and 6428”.

(2) MATHEMATICAL OR CLERICAL ERROR AUTHORITY.—Section 6213(g)(2)(L) of such Code is amended by striking “or 32” and inserting “32, or 6428”.

(c) TREATMENT OF POSSESSIONS.—

(1) PAYMENTS TO POSSESSIONS.—

(A) 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.

(B) 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.

(2) COORDINATION WITH CREDIT ALLOWED AGAINST UNITED STATES INCOME TAXES.—No credit shall be allowed against United States income taxes under section 6428 of the Internal Revenue Code of 1986 (as amended by this section) to any person—

(A) to whom a credit is allowed against taxes imposed by the possession by reason of the amendments made by this section, or

(B) who is eligible for a payment under a plan described in paragraph (1)(B).

(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 amended by this section).

(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 (c) 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 2 months, for purposes of determining the eligibility of such individual or

any other individual for benefits or assistance, or the amount or extent of benefits or assistance, under any Federal program or under any State or local program financed in whole or in part with Federal funds.

(e) APPROPRIATIONS TO CARRY OUT REBATES.—

(1) IN GENERAL.—Immediately upon the enactment of this Act, the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2008:

(A) DEPARTMENT OF TREASURY.—

(i) 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.

(ii) For an additional amount for “Department of the Treasury—Internal Revenue Service—Taxpayer Services”, \$50,720,000, to remain available until September 30, 2009.

(iii) For an additional amount for “Department of the Treasury—Internal Revenue Service—Operations Support”, \$151,415,000, to remain available until September 30, 2009.

(B) SOCIAL SECURITY ADMINISTRATION.—For an additional amount for “Social Security Administration—Limitation on Administrative Expenses”, \$31,000,000, to remain available until September 30, 2008.

(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 paragraph (1)(A). 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 paragraph (1)(A) and the expected expenditure of such funds in the subsequent quarter.

(f) 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.**

(a) IN GENERAL.—Subsection (b) of section 179 of the Internal Revenue Code of 1986 (relating to limitations) is amended by adding at the end the following new paragraph:

“(7) INCREASE IN LIMITATIONS FOR 2008.—In the case of any taxable year beginning in 2008—

“(A) the dollar limitation under paragraph (1) shall be \$250,000,

“(B) the dollar limitation under paragraph (2) shall be \$800,000, and

“(C) the amounts described in subparagraphs (A) and (B) shall not be adjusted under paragraph (5).”

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2007.

**SEC. 103. SPECIAL ALLOWANCE FOR CERTAIN PROPERTY ACQUIRED DURING 2008.**

(a) IN GENERAL.—Subsection (k) of section 168 of the Internal Revenue Code of 1986 (relating to special allowance for certain property acquired after September 10, 2001, and before January 1, 2005) is amended—

(1) by striking “September 10, 2001” each place it appears and inserting “December 31, 2007”,

(2) by striking “September 11, 2001” each place it appears and inserting “January 1, 2008”;

(3) by striking “January 1, 2005” each place it appears and inserting “January 1, 2009”, and

(4) by striking “January 1, 2006” each place it appears and inserting “January 1, 2010”.

(b) 50 PERCENT ALLOWANCE.—Subparagraph (A) of section 168(k)(1) of such Code is amended by striking “30 percent” and inserting “50 percent”.

(c) CONFORMING AMENDMENTS.—

(1) Subclause (I) of section 168(k)(2)(B)(i) of such Code is amended by striking “and (iii)” and inserting “(iii), and (iv)”.

(2) Subclause (IV) of section 168(k)(2)(B)(i) of such Code is amended by striking “clauses (ii) and (iii)” and inserting “clause (iii)”.

(3) Clause (i) of section 168(k)(2)(C) of such Code is amended by striking “and (iii)” and inserting “, (iii), and (iv)”.

(4) Clause (i) of section 168(k)(2)(F) of such Code is amended by striking “\$4,600” and inserting “\$8,000”.

(5)(A) Subsection (k) of section 168 of such Code is amended by striking paragraph (4).

(B) Clause (iii) of section 168(k)(2)(D) of such Code is amended by striking the last sentence.

(6) Paragraph (4) of section 168(l) of such Code is amended by redesignating subparagraphs (A), (B), and (C) as subparagraphs (B), (C), and (D) and inserting before subparagraph (B) (as so redesignated) the following new subparagraph:

“(A) BONUS DEPRECIATION PROPERTY UNDER SUBSECTION (K).—Such term shall not include any property to which section 168(k) applies.”.

(7) Paragraph (5) of section 168(l) of such Code is amended—

(A) by striking “September 10, 2001” in subparagraph (A) and inserting “December 31, 2007”, and

(B) by striking “January 1, 2005” in subparagraph (B) and inserting “January 1, 2009”.

(8) Subparagraph (D) of section 1400L(b)(2) of such Code is amended by striking “January 1, 2005” and inserting “January 1, 2010”.

(9) Paragraph (3) of section 1400N(d) of such Code is amended—

(A) by striking “September 10, 2001” in subparagraph (A) and inserting “December 31, 2007”, and

(B) by striking “January 1, 2005” in subparagraph (B) and inserting “January 1, 2009”.

(10) Paragraph (6) of section 1400N(d) of such Code is amended by adding at the end the following new subparagraph:

“(E) EXCEPTION FOR BONUS DEPRECIATION PROPERTY UNDER SECTION 168(k).—The term ‘specified Gulf Opportunity Zone extension property’ shall not include any property to which section 168(k) applies.”.

(11) The heading for subsection (k) of section 168 of such Code is amended—

(A) by striking “SEPTEMBER 10, 2001” and inserting “DECEMBER 31, 2007”, and

(B) by striking “JANUARY 1, 2005” and inserting “JANUARY 1, 2009”.

(12) The heading for clause (ii) of section 168(k)(2)(B) of such Code is amended by striking “PRE-JANUARY 1, 2005” and inserting “PRE-JANUARY 1, 2009”.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after December 31, 2007, in taxable years ending after such date.

## TITLE II—HOUSING GSE AND FHA LOAN LIMITS

### SEC. 201. TEMPORARY CONFORMING LOAN LIMIT INCREASE FOR FANNIE MAE AND FREDDIE MAC.

(a) INCREASE OF HIGH COST AREAS LIMITS FOR HOUSING GSEs.—For mortgages origi-

nated during the period beginning on July 1, 2007, and ending at the end of December 31, 2008:

(1) FANNIE MAE.—With respect to the Federal National Mortgage Association, notwithstanding section 302(b)(2) of the Federal National Mortgage Association Charter Act (12 U.S.C. 1717(b)(2)), the limitation on the maximum original principal obligation of a mortgage that may be purchased by the Association shall be the higher of—

(A) the limitation for 2008 determined under such section 302(b)(2) for a residence of the applicable size; or

(B) 125 percent of the area median price for a residence of the applicable size, but in no case to exceed 175 percent of the limitation for 2008 determined under such section 302(b)(2) for a residence of the applicable size.

(2) FREDDIE MAC.—With respect to the Federal Home Loan Mortgage Corporation, notwithstanding section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1454(a)(2)), the limitation on the maximum original principal obligation of a mortgage that may be purchased by the Corporation shall be the higher of—

(A) the limitation determined for 2008 under such section 305(a)(2) for a residence of the applicable size; or

(B) 125 percent of the area median price for a residence of the applicable size, but in no case to exceed 175 percent of the limitation determined for 2008 under such section 305(a)(2) for a residence of the applicable size.

(b) DETERMINATION OF LIMITS.—The areas and area median prices used for purposes of the determinations under subsection (a) shall be the areas and area median prices used by the Secretary of Housing and Urban Development in determining the applicable limits under section 202 of this title.

(c) RULE OF CONSTRUCTION.—A mortgage originated during the period referred to in subsection (a) that is eligible for purchase by the Federal National Mortgage Association or the Federal Home Loan Mortgage Corporation pursuant to this section shall be eligible for such purchase for the duration of the term of the mortgage, notwithstanding that such purchase occurs after the expiration of such period.

(d) EFFECT ON HOUSING GOALS.—Notwithstanding any other provision of law, mortgages purchased in accordance with the increased maximum original principal obligation limitations determined pursuant to this section shall not be considered in determining performance with respect to any of the housing goals established under section 1332, 1333, or 1334 of the Housing and Community Development Act of 1992 (12 U.S.C. 4562–4), and shall not be considered in determining compliance with such goals pursuant to section 1336 of such Act (12 U.S.C. 4566) and regulations, orders, or guidelines issued thereunder.

(e) SENSE OF CONGRESS.—It is the sense of the Congress that the securitization of mortgages by the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation plays an important role in providing liquidity to the United States housing markets. Therefore, the Congress encourages the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation to securitize mortgages acquired under the increased conforming loan limits established in this section, to the extent that such securitizations can be effected in a timely and efficient manner that does not impose additional costs for mortgages originated, purchased, or securitized under the existing limits or interfere with the goal of adding liquidity to the market.

### SEC. 202. TEMPORARY LOAN LIMIT INCREASE FOR FHA.

(a) INCREASE OF HIGH-COST AREA LIMIT.—For mortgages for which the mortgagee has issued credit approval for the borrower on or before December 31, 2008, subparagraph (A) of section 203(b)(2) of the National Housing Act (12 U.S.C. 1709(b)(2)(A)) shall be considered (except for purposes of section 255(g) of such Act (12 U.S.C. 1715z–20(g))) to require that a mortgage shall involve a principal obligation in an amount that does not exceed the lesser of—

(1) in the case of a 1-family residence, 125 percent of the median 1-family house price in the area, as determined by the Secretary; and in the case of a 2-, 3-, or 4-family residence, the percentage of such median price that bears the same ratio to such median price as the dollar amount limitation determined for 2008 under section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1454(a)(2)) for a 2-, 3-, or 4-family residence, respectively, bears to the dollar amount limitation determined for 2008 under such section for a 1-family residence; or

(2) 175 percent of the dollar amount limitation determined for 2008 under such section 305(a)(2) for a residence of the applicable size (without regard to any authority to increase such limitation with respect to properties located in Alaska, Guam, Hawaii, or the Virgin Islands);

except that the dollar amount limitation in effect under this subsection for any size residence for any area shall not be less than the greater of (A) the dollar amount limitation in effect under such section 203(b)(2) for the area on October 21, 1998; or (B) 65 percent of the dollar amount limitation determined for 2008 under such section 305(a)(2) for a residence of the applicable size. Any reference in this subsection to dollar amount limitations in effect under section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act means such limitations as in effect without regard to any increase in such limitation pursuant to section 201 of this title.

(b) DISCRETIONARY AUTHORITY.—If the Secretary of Housing and Urban Development determines that market conditions warrant such an increase, the Secretary may, for the period that begins upon the date of the enactment of this Act and ends at the end of the date specified in subsection (a), increase the maximum dollar amount limitation determined pursuant to subsection (a) with respect to any particular size or sizes of residences, or with respect to residences located in any particular area or areas, to an amount that does not exceed the maximum dollar amount then otherwise in effect pursuant to subsection (a) for such size residence, or for such area (if applicable), by not more than \$100,000.

(c) PUBLICATION OF AREA MEDIAN PRICES AND LOAN LIMITS.—The Secretary of Housing and Urban Development shall publish the median house prices and mortgage principal obligation limits, as revised pursuant to this section, for all areas as soon as practicable, but in no case more than 30 days after the date of the enactment of this Act. With respect to existing areas for which the Secretary has not established area median prices before such date of enactment, the Secretary may rely on existing commercial data in determining area median prices and calculating such revised principal obligation limits.

## TITLE III—EMERGENCY DESIGNATION

### SEC. 301. EMERGENCY DESIGNATION.

For purposes of Senate enforcement, all provisions of this Act are designated as emergency requirements and necessary to meet emergency needs pursuant to section

204 of S. Con. Res. 21 (110th Congress), the concurrent resolution on the budget for fiscal year 2008.

**SA 4011.** Mr. KERRY (for himself and Mr. SMITH) 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; as follows:

At the end of title I, insert the following:

**SEC. 104. MODIFICATIONS ON USE OF QUALIFIED MORTGAGE BONDS; TEMPORARY INCREASED VOLUME CAP FOR CERTAIN HOUSING BONDS.**

(a) USE OF QUALIFIED MORTGAGE BONDS PROCEEDS FOR SUBPRIME REFINANCING LOANS.—Section 143(k) of the Internal Revenue Code of 1986 (relating to other definitions and special rules) is amended by adding at the end the following new paragraph:

“(12) SPECIAL RULES FOR SUBPRIME REFINANCINGS.—

“(A) IN GENERAL.—Notwithstanding the requirements of subsection (i)(1), the proceeds of a qualified mortgage issue may be used to refinance a mortgage on a residence which was originally financed by the mortgagor through a qualified subprime loan.

“(B) SPECIAL RULES.—In applying this paragraph to any case in which the proceeds of a qualified mortgage issue are used for any refinancing described in subparagraph (A)—

“(i) subsection (a)(2)(D)(i) shall be applied by substituting ‘12-month period’ for ‘42-month period’ each place it appears,

“(ii) subsection (d) (relating to 3-year requirement) shall not apply, and

“(iii) subsection (e) (relating to purchase price requirement) shall be applied by using the market value of the residence at the time of refinancing in lieu of the acquisition cost.

“(C) QUALIFIED SUBPRIME LOAN.—The term ‘qualified subprime loan’ means an adjustable rate single-family residential mortgage loan originated after December 31, 2001, and before January 1, 2008, that the bond issuer determines would be reasonably likely to cause financial hardship to the borrower if not refinanced.

“(D) TERMINATION.—This paragraph shall not apply to any bonds issued after December 31, 2010.”.

(b) INCREASED VOLUME CAP FOR CERTAIN BONDS.—

(1) IN GENERAL.—Subsection (d) of section 146 of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

“(5) INCREASE AND SET ASIDE FOR HOUSING BONDS FOR 2008.—

“(A) INCREASE FOR 2008.—In the case of calendar year 2008, the State ceiling for each State shall be increased by an amount equal to \$10,000,000,000 multiplied by a fraction—

“(i) the numerator of which is the population of such State (as reported in the most recent decennial census), and

“(ii) the denominator of which is the total population of all States (as reported in the most recent decennial census).

“(B) SET ASIDE.—

“(i) IN GENERAL.—Any amount of the State ceiling for any State which is attributable to an increase under this paragraph shall be allocated solely for one or more qualified purposes.

“(ii) QUALIFIED PURPOSE.—For purposes of this paragraph, the term ‘qualified purpose’ means—

“(I) the issuance of exempt facility bonds used solely to provide qualified residential rental projects, or

“(II) a qualified mortgage issue (determined by substituting ‘12-month period’ for ‘42-month period’ each place it appears in section 143(a)(2)(D)(i)).”.

(2) CARRYFORWARD OF UNUSED LIMITATIONS.—Subsection (f) of section 146 of such Code is amended by adding at the end the following new paragraph:

“(6) SPECIAL RULES FOR INCREASED VOLUME CAP UNDER SUBSECTION (d)(5).—

“(A) IN GENERAL.—No amount which is attributable to the increase under subsection (d)(5) may be used—

“(i) for a carryforward purpose other than a qualified purpose (as defined in subsection (d)(5)), and

“(ii) to issue any bond after calendar year 2010.

“(B) ORDERING RULES.—For purposes of subparagraph (A), any carryforward of an issuing authority’s volume cap for calendar year 2008 shall be treated as attributable to such increase to the extent of such increase.”.

(c) ALTERNATIVE MINIMUM TAX.—

(1) IN GENERAL.—Clause (ii) of section 57(a)(5)(C) of the Internal Revenue Code of 1986 is amended by striking “shall not include” and all that follows and inserting “shall not include—

“(I) any qualified 501(c)(3) bond (as defined in section 145), or

“(II) any qualified mortgage bond (as defined in section 143(a)) or qualified veterans’ mortgage bond (as defined in section 143(b)) issued after the date of the enactment of this subclause and before January 1, 2011.”.

(2) CONFORMING AMENDMENT.—The heading for section 57(a)(5)(C)(ii) is amended by striking “QUALIFIED 501(c)(3) BONDS” and inserting “CERTAIN BONDS”.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to bonds issued after the date of the enactment of this Act.

**SA 4012.** Mr. COBURN submitted an amendment intended to be proposed by him 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 298, after line 25, add the following:

“(e) SPEEDY NOTICE TO RAPE AND SEXUAL ASSAULT VICTIMS.—The Secretary shall withhold from a Service Area carrying out a program under this section an amount equal to 10 percent of the amount allocated for the program until the date on which the Secretary, in consultation with the Attorney General, determines that, with respect to the Service Area—

“(1)(A) there exists and is enforced a law or regulation that requires—

“(i) at the request of a victim, the administration to a defendant, against whom an information or indictment is presented for a crime in which, by force or threat of force, the defendant compels the victim to engage in sexual activity, of a test for the human immunodeficiency virus (HIV) and such other sexually transmitted diseases as are requested by the victim not later than 48 hours after the date on which the information or indictment is presented;

“(ii) a notification of the test results to be provided to the victim or the parent or guardian of the victim and the defendant as soon as practicable after the results are generated; and

“(iii) such follow-up tests for HIV and other sexually transmitted diseases as are medically appropriate, with the test results

made available in accordance with clause (ii); or

“(B) a law or regulation described in subparagraph (A) will be established and enforced in the Service Area by not later than 1 year after the date of enactment of the Indian Health Care Improvement Act Amendments of 2008; and

“(2) pursuant to subsection (a), HIV and other sexually transmitted disease testing, treatment, and counseling is provided for victims of sexual abuse.

**SA 4013.** Mr. COBURN submitted an amendment intended to be proposed by him 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:

At the appropriate place in title VIII of the Indian

Health Care Improvement Act (as amended by section 101), insert the following:

**“SEC. 8 . REQUIREMENT FOR MEDICAL EVIDENCE.**

“Notwithstanding any other provision of this Act, no funding shall be provided pursuant to this Act for any treatment activity for a health care condition unless the treatment is supported by medical evidence.

**NOTICE OF HEARING**

**COMMITTEE ON ENERGY AND NATURAL RESOURCES**

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Senate Committee on Energy and Natural Resources. The hearing will be held on Thursday, February 28, 2008, at 9:30 a.m., in room SD-366 of the Dirksen Senate Office Building.

The purpose of the hearing is to receive testimony on the impact of increased minimum wages on the economies of American Samoa and the Commonwealth of the Northern Mariana Islands.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record may do so by sending it to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510-6150.

**AUTHORITY FOR COMMITTEES TO MEET**

**COMMITTEE ON ARMED SERVICES**

Mr. WEBB. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Thursday, February 7, 2008, at 9:30 a.m., in open session to receive testimony on the final report of the Commission on the National Guard and Reserves.

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

**COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS**

Mr. WEBB. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet

during the session of the Senate on February 7, 2008, at 10 a.m., in order to conduct a hearing entitled "Reforming the Regulation of the Government Sponsored Enterprises."

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

COMMITTEE ON COMMERCE, SCIENCE, AND  
TRANSPORTATION

Mr. WEBB. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on Thursday, February 7, at 10 a.m., in room 253 of the Russell Senate Office Building, in order to conduct an executive hearing.

*Agenda*

Robert A. Sturgell, to be Administrator of the Federal Aviation Administration (PN 1005); Simon Charles Gros, to be Assistant Secretary of Transportation for Governmental Affairs, Department of Transportation (PN 977).

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

COMMITTEE ON ENERGY AND NATURAL  
RESOURCES

Mr. WEBB. 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 Thursday, February 7, 2008, at 9:30 a.m. in room SD366 of the Dirksen Senate Office Building, for the purpose of conducting a hearing. At this hearing, the Committee will hear testimony regarding energy market effects of the recently-passed renewable fuel standard.

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

COMMITTEE ON FINANCE

Mr. WEBB. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Thursday, February 7, 2008, at 10 a.m., in room 215 of the Dirksen Senate Office Building, to hear testimony on "Selling to Seniors: The Need for Accountability and Oversight of Marketing and Sales by Medicare Private Plans."

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

COMMITTEE ON FOREIGN RELATIONS

Mr. WEBB. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, February 7, 2008, at 9:30 a.m. in order to hold a hearing on the Kenyan elections.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. WEBB. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, February 7, 2008,

at 2:30 p.m. in order to hold a nomination hearing.

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

COMMITTEE ON INDIAN AFFAIRS

Mr. WEBB. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Thursday, February 7, at 9:30 a.m. in room 628 of the Dirksen Senate Office Building in order to conduct a hearing on the nomination of Robert G. McSwain to be Director of the Indian Health Service.

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

COMMITTEE ON THE JUDICIARY

Mr. WEBB. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary be authorized to meet during the session of the Senate, in order to conduct a hearing entitled "The Founding Fathers' Papers: Ensuring Public Access to our National Treasures" on Thursday, February 7, 2008 at 10 a.m. in room SD-226 of the Dirksen Senate Office Building.

*Witness List*

David G. McCullough, Presidential Historian and Author, Camden, ME.

Dr. Stanley N. Katz, Chairman, Papers of the Founding Fathers, Professor, Woodrow Wilson School of Princeton University Princeton, NJ.

Dr. Deanna B. Marcum, Associate Librarian of Library Services, Library of Congress, Washington, DC.

Rebecca W. Rimel, President and Chief Executive Officer, The Pew Charitable Trusts, Philadelphia, PA.

Dr. Allen Weinstein, Archivist of the United States, U.S. National Archives & Records Administration, Washington, DC.

Dr. Ralph Ketcham, Professor of History Emeritus, Maxwell School of Syracuse University, Syracuse, NY.

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

READINESS AND MANAGEMENT SUPPORT  
SUBCOMMITTEE

Mr. WEBB. Mr. President, I ask unanimous consent that the Readiness and Management Support Subcommittee of the Committee on Armed Services be authorized to meet during the session of the Senate on Thursday, February 7, 2008, at 2:30 p.m., in open session to receive testimony on business transformation and financial management at the Department of Defense.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. WEBB. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on February 7, 2008, at 2:30 p.m. in order to hold a closed hearing.

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

PRIVILEGES OF THE FLOOR

Mr. WEBB. Madam President, I ask unanimous consent that my legislative fellow, Jaithai Upakurnitkaset, be granted floor privileges for the remainder of the day.

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

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nominations: Executive Calendar Nos. 442 through 451, except 450; and all nominations on the Secretary's desk in the Air Force, Army, Marine Corps, and Navy; that the nominations be confirmed en bloc, and the motions to reconsider be laid upon the table en bloc; that upon confirmation, the President be immediately notified of the Senate's action and the Senate resume legislative session.

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

The nominations considered and confirmed en bloc are as follows:

IN THE AIR FORCE

The following named officers for appointment in the United States Air Force to the grade indicated under title 10, U.S.C., section 624:

*To be brigadier general*

Colonel Mark A. Ediger, 0000  
Colonel Richard A. Hersack, 0000  
Colonel Daniel O. Wyman, 0000

The following named officer for appointment in the United States Air Force to the grade indicated under title 10, U.S.C., section 624:

*To be major general*

Brig. Gen. Cecil R. Richardson, 0000

The following named officer for appointment in the Reserve of the Air Force to the grade indicated under title 10, U.S.C., section 12203:

*To be brigadier general*

Col. Robert G. Kenny

The following named officers for appointment in the Reserve of the Air Force to the grade indicated under title 10, U.S.C., section 12203:

*To be brigadier general*

Col. Daniel P. Gillen, 0000  
Col. Michael J. Yaszemski, 0000

The following named officers for appointment in the Reserve of the Air Force to the grade indicated under title 10, U.S.C., section 12203:

*To be major general*

Brigadier General Robert Benjamin Bartlett  
Brigadier General Thomas R. Coon, 0000  
Brigadier General James F. Jackson, 0000  
Brigadier General Brian P. Meenan, 0000  
Brigadier General Charles E. Reed, Jr., 0000  
Brigadier General James T. Rubeor, 0000

The following named officers for appointment in the Reserve of the Air Force to the

grade indicated under title 10, U.S.C., section 12203:

*To be brigadier general*

Colonel Robert S. Arthur, 0000  
Colonel Gary M. Batinich, 0000  
Colonel Richard S. Haddad, 0000  
Colonel Keith D. Kries, 0000  
Colonel Muriel R. McCarthy, 0000  
Colonel David S. Post, 0000  
Colonel Patricia A. Quisenberry, 0000  
Colonel Robert D. Rego, 0000  
Colonel Paul L. Sampson, 0000

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

*To be lieutenant general*

Lt. Gen. Douglas M. Fraser, 0000

IN THE NAVY

The following named officer for appointment as Chief of Naval Personnel, United States Navy, and appointment to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., sections 601 and 5141:

*To be vice admiral*

Rear Adm. Mark E. Ferguson, III, 0000

IN THE ARMY

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

*To be lieutenant general*

Maj. Gen. Joseph F. Fil, Jr., 0000

NOMINATIONS PLACED ON THE SECRETARY'S  
DESK

IN THE AIR FORCE

PN1207 AIR FORCE nomination of Chevalier P. Cleaves, which was received by the Senate and appeared in the Congressional Record of January 23, 2008.

PN1208 AIR FORCE nomination of Jawn M. Sischo, which was received by the Senate and appeared in the Congressional Record of January 23, 2008.

PN1209 AIR FORCE nomination of Joaquin Sariego, which was received by the Senate and appeared in the Congressional Record of January 23, 2008.

PN1210 AIR FORCE nominations (4) beginning JOHN A. CALCATERA JR., and ending MARIA D. RODRIGUEZRODRIGUEZ, which nominations were received by the Senate and appeared in the Congressional Record of January 23, 2008.

PN1211 AIR FORCE nominations (3) beginning JERRY ALAN ARENDS, and ending BILLY L. LITTLE JR., which nominations were received by the Senate and appeared in the Congressional Record of January 23, 2008.

PN1212 AIR FORCE nominations (5) beginning DONNIE W. BETHEL, and ending MITCHEL NEUROCK, which nominations were received by the Senate and appeared in the Congressional Record of January 23, 2008.

PN1213 AIR FORCE nominations (11) beginning PAUL A. ARSON, and ending PHILIP A. SWEET, which nominations were received by the Senate and appeared in the Congressional Record of January 23, 2008.

PN1214 AIR FORCE nominations (14) beginning MARI L. ARCHER, and ending GILBERT W. WOLFE, which nominations were received by the Senate and appeared in the Congressional Record of January 23, 2008.

PN1215 AIR FORCE nominations (4) beginning WILLIAM A. BEYERS III, and ending ROSS A. ZIEGLER, which nominations were received by the Senate and appeared in the Congressional Record of January 23, 2008.

PN1216 AIR FORCE nominations (6) beginning ROBERT R. CANNON, and ending

LYLE E. VON SEGGERN, which nominations were received by the Senate and appeared in the Congressional Record of January 23, 2008.

PN1217 AIR FORCE nominations (176) beginning VITO EMIL ADDABBO, and ending JAMES A. ZIETLOW, which nominations were received by the Senate and appeared in the Congressional Record of January 23, 2008.

PN1218 AIR FORCE nominations (2) beginning AZAD Y. KEVAL, and ending TROY L. SULLIVAN III, which nominations were received by the Senate and appeared in the Congressional Record of January 23, 2008.

PN1219 AIR FORCE nomination of Lance A. Avery, which was received by the Senate and appeared in the Congressional Record of January 23, 2008.

PN1220 AIR FORCE nominations (4) beginning BILLY R. MORGAN, and ending JOSEPH R. LOWE, which nominations were received by the Senate and appeared in the Congressional Record of January 23, 2008.

PN1221 AIR FORCE nomination of Inaam A. Pedalino, which was received by the Senate and appeared in the Congressional Record of January 23, 2008.

PN1222 AIR FORCE nominations (62) beginning DEMA A. ALDERMAN, and ending PHILIP H. WANG which nominations were received by the Senate and appeared in the Congressional Record of January 23, 2008.

PN1223 AIR FORCE nomination of Theresa D. Clark, which was received by the Senate and appeared in the Congressional Record of January 23, 2008.

PN1224 AIR FORCE nominations (113) beginning LEE E. ACKLEY, and ending CLAYTON D. WILSON III, which nominations were received by the Senate and appeared in the Congressional Record of January 23, 2008.

PN1225 AIR FORCE nominations (129) beginning SAID R. ACOSTA, and ending CYNTHIA F. YAP, which nominations were received by the Senate and appeared in the Congressional Record of January 23, 2008.

PN1226 AIR FORCE nominations (2) beginning JASON E. MACDONALD, and ending DEREK P. MIMS, which nominations were received by the Senate and appeared in the Congressional Record of January 23, 2008.

ARMY

PN968 ARMY nominations (16) beginning GERALD K. BEBBER, and ending PHILLIP F. WRIGHT, which nominations were received by the Senate and appeared in the Congressional Record of September 27, 2007.

PN1174 ARMY nominations (2) beginning MANUEL POZOALONSO, and ending RACHELLE A. RETOMA, which nominations were received by the Senate and appeared in the Congressional Record of December 19, 2007.

PN1227 ARMY nomination of Jeffrey P. Short, which was received by the Senate and appeared in the Congressional Record of January 23, 2008.

PN1228 ARMY nomination of Saqib Ishteeaque, which was received by the Senate and appeared in the Congressional Record of January 23, 2008.

PN1229 ARMY nominations (3) beginning WANDA L. HORTON, and ending RUTH SLAMEN, which nominations were received by the Senate and appeared in the Congressional Record of January 23, 2008.

PN1230 ARMY nominations (5) beginning DAVID J. BARILLO, and ending IAN D. COLE, which nominations were received by the Senate and appeared in the Congressional Record of January 23, 2008.

PN1231 ARMY nomination of Joseph B. Dore, which was received by the Senate and appeared in the Congressional Record of January 23, 2008.

PN1232 ARMY nomination of William J. Hersh, which was received by the Senate and

appeared in the Congressional Record of January 23, 2008.

PN1233 ARMY nomination of James C. Cummings, which was received by the Senate and appeared in the Congressional Record of January 23, 2008.

PN1234 ARMY nomination of Eugene W. Gavin, which was received by the Senate and appeared in the Congressional Record of January 23, 2008.

PN1235-1 ARMY nominations (3) beginning BRUCE H. BAHR, and ending George R. GWALTNEY, which nominations were received by the Senate and appeared in the Congressional Record of January 23, 2008.

PN1236 ARMY nominations (7) beginning DAVID A. BRANT, and ending CORLISS GADSDEN, which nominations were received by the Senate and appeared in the Congressional Record of January 23, 2008.

PN1237 ARMY nominations (2) beginning HAROLD A. FELTON, and ending ARLAND O. HANEY, which nominations were received by the Senate and appeared in the Congressional Record of January 23, 2008.

PN1238 ARMY nominations (3) beginning ANNE M. BAUER, and ending JO A. MCELLIGOTT, which nominations were received by the Senate and appeared in the Congressional Record of January 23, 2008.

PN1239 ARMY nominations (4) beginning DEBORAH G. DAVIS, and ending DEBRA M. SIMPSON, which nominations were received by the Senate and appeared in the Congressional Record of January 23, 2008.

PN1240 ARMY nominations (37) beginning RUBEN ALVERO, and ending HAE S. YUO, which nominations were received by the Senate and appeared in the Congressional Record of January 23, 2008.

PN1241 ARMY nominations (9) beginning RONALD L. BONHEUR, and ending DAVID S. WERNER, which nominations were received by the Senate and appeared in the Congressional Record of January 23, 2008.

PN1242 ARMY nominations (3) beginning GERARD P. CURRAN, and ending MARK TRANOVICH, which nominations were received by the Senate and appeared in the Congressional Record of January 23, 2008.

PN1243 ARMY nominations (2) beginning JEFFREY A. WEISS, and ending RICHARD E. WOLFERT, which nominations were received by the Senate and appeared in the Congressional Record of January 23, 2008.

PN1244 ARMY nominations (3) beginning CHARLES S. OLEARY, and ending GARY B. TOOLEY, which nominations were received by the Senate and appeared in the Congressional Record of January 23, 2008.

PN1245 ARMY nominations (10) beginning PATRICK S. ALLISON, and ending SHAOFAN K. XU, which nominations were received by the Senate and appeared in the Congressional Record of January 23, 2008.

PN1246 ARMY nominations (30) beginning EDWARD B. BROWNING, and ending BILLIE J. WISDOM JR., which nominations were received by the Senate and appeared in the Congressional Record of January 23, 2008.

PN1247 ARMY nominations (51) beginning SANDRA G. APOSTOLOS, and ending MARILYN YERGLER, which nominations were received by the Senate and appeared in the Congressional Record of January 23, 2008.

PN1263 ARMY nomination of Orlando Salinas, which was received by the Senate and appeared in the Congressional Record of January 25, 2008.

PN1264 ARMY nomination of Debra D. Rice, which was received by the Senate and appeared in the Congressional Record of January 25, 2008.

PN1265 ARMY nomination of Robert J. Mouw, which was received by the Senate and appeared in the Congressional Record of January 25, 2008.

PN1266 ARMY nomination of Rabi L. Singh, which was received by the Senate and

appeared in the Congressional Record of January 25, 2008.

## MARINE CORPS

PN902 MARINE CORPS nomination of Lester W. Thompson, which was received by the Senate and appeared in the Congressional Record of September 6, 2007.

PN1248 MARINE CORPS nominations (2) beginning RUSSELL L. BERGEMAN, and ending JAMES K. WALKER, which nominations were received by the Senate and appeared in the Congressional Record of January 23, 2008.

PN1104 NAVY nomination of Thomas J. Harvan, which was received by the Senate and appeared in the Congressional Record of December 3, 2007.

PN1105 NAVY nomination of John G. Bruening, which was received by the Senate and appeared in the Congressional Record of December 3, 2007.

PN1250 NAVY nomination of John M. Dorey, which was received by the Senate and appeared in the Congressional Record of January 23, 2008.

PN1252 NAVY nominations (2) beginning THOMAS P. CARROLL, and ending GARY V. PASCUA, which nominations were received by the Senate and appeared in the Congressional Record of January 23, 2008.

PN1253 NAVY nominations (4) beginning DAVID J. ROBILLARD, and ending SHERRY W. WANGWHITE, which nominations were received by the Senate and appeared in the Congressional Record of January 23, 2008.

PN1267 NAVY nomination of Michael V. Misiewicz, which was received by the Senate and appeared in the Congressional Record of January 25, 2008.

PN1268 NAVY nomination of John A. Bowman, which was received by the Senate and appeared in the Congressional Record of January 25, 2008.

PN1269 NAVY nomination of John A. Bowman, which was received by the Senate and appeared in the Congressional Record of January 25, 2008.

## LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

## ORDERS FOR FRIDAY, FEBRUARY 8, 2008

Mr. DURBIN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 9:30 a.m. tomorrow, February 8; 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 the Senate then resume consideration of S. 2248, the Foreign Intelligence Surveillance Act, as under the previous order.

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

## PROGRAM

Mr. DURBIN. Mr. President, today we were able to achieve a milestone in the Senate session and reach an overall agreement to have all remaining amendments to FISA debated tomorrow and Monday. There will be no roll-call votes tomorrow or Monday; however, Senators should be prepared to vote when the Senate convenes at 10 a.m. on Tuesday.

RECESS UNTIL 9:30 A.M.  
TOMORROW

Mr. DURBIN. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in recess under the previous order.

There being no objection, the Senate, at 6:37 p.m., recessed until Friday, February 8, 2008, at 9:30 a.m.

## CONFIRMATIONS

Executive nominations confirmed by the Senate Thursday, February 7, 2008:  
IN THE AIR FORCE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

*To be brigadier general*

COLONEL MARK A. EDIGER, 0000  
COLONEL RICHARD A. HERSACK, 0000  
COLONEL DANIEL O. WYMAN, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

*To be major general*

BRIG. GEN. CECIL R. RICHARDSON, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

*To be brigadier general*

COL. ROBERT G. KENNY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

*To be brigadier general*

COL. DANIEL P. GILLEN, 0000  
COL. MICHAEL J. YASZEWSKI, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

*To be major general*

BRIGADIER GENERAL ROBERT BENJAMIN BARTLETT, 0000  
BRIGADIER GENERAL THOMAS R. COON, 0000  
BRIGADIER GENERAL JAMES F. JACKSON, 0000  
BRIGADIER GENERAL BRIAN P. MEENAN, 0000  
BRIGADIER GENERAL CHARLES E. REED, JR., 0000  
BRIGADIER GENERAL JAMES T. RUBEOR, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

*To be brigadier general*

COLONEL ROBERT S. ARTHUR, 0000  
COLONEL GARY M. BATINICH, 0000  
COLONEL RICHARD S. HADDAD, 0000  
COLONEL KEITH D. KRIES, 0000  
COLONEL MURIEL R. MCCARTHY, 0000  
COLONEL DAVID S. POST, 0000  
COLONEL PATRICIA A. QUISENBERRY, 0000  
COLONEL ROBERT D. REGO, 0000  
COLONEL PAUL L. SAMPSON, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

*To be lieutenant general*

LT. GEN. DOUGLAS M. FRASER, 0000

## IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS CHIEF OF NAVAL PERSONNEL, UNITED STATES NAVY, AND APPOINTMENT TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTIONS 601 AND 5141:

*To be vice admiral*

REAR ADM. MARK E. FERGUSON III, 0000

## IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

*To be lieutenant general*

MAJ. GEN. JOSEPH F. FIL, JR., 0000

## IN THE AIR FORCE

AIR FORCE NOMINATION OF CHEVALIER P. CLEAVES, 0000, TO BE COLONEL.  
AIR FORCE NOMINATION OF JAWN M. SISCHO, 0000, TO BE COLONEL.  
AIR FORCE NOMINATION OF JOAQUIN SARIEGO, 0000, 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. ZIEFLOW, 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, 0000, 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, 0000, TO BE MAJOR.

AIR FORCE NOMINATIONS BEGINNING WITH DEMA 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, 0000, 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.

## IN THE ARMY

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, 0000, TO BE MAJOR.

ARMY NOMINATION OF SAQIB ISHTEEAQUE, 0000, 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, 0000, TO BE COLONEL.

ARMY NOMINATION OF WILLIAM J. HERSH, 0000, TO BE COLONEL.

ARMY NOMINATION OF JAMES C. CUMMINGS, 0000, TO BE COLONEL.

ARMY NOMINATION OF EUGENE W. GAVIN, 0000, 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.

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, 0000, TO BE COLONEL.

ARMY NOMINATION OF DEBRA D. RICE, 0000, TO BE COLONEL.

ARMY NOMINATION OF ROBERT J. MOUW, 0000, TO BE COLONEL.

ARMY NOMINATION OF RABI L. SINGH, 0000, TO BE MAJOR.

#### IN THE MARINE CORPS

MARINE CORPS NOMINATION OF LESTER W. THOMPSON, 0000, 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.

#### IN THE NAVY

NAVY NOMINATION OF THOMAS J. HARVAN, 0000, TO BE CAPTAIN.

NAVY NOMINATION OF JOHN G. BRUENING, 0000, TO BE CAPTAIN.

NAVY NOMINATION OF JOHN M. DOREY, 0000, 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, 0000, TO BE COMMANDER.

NAVY NOMINATION OF JOHN A. BOWMAN, 0000, TO BE LIEUTENANT COMMANDER.

NAVY NOMINATION OF JOHN A. BOWMAN, 0000, TO BE LIEUTENANT COMMANDER.

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#### WITHDRAWAL

Executive Message transmitted by the President to the Senate on February 7, 2008 withdrawing from further Senate consideration the following nomination:

PAUL DECAMP, OF VIRGINIA, TO BE ADMINISTRATOR OF THE WAGE AND HOUR DIVISION, DEPARTMENT OF LABOR, VICE TAMMY DEE MCCUTCHEN, RESIGNED, WHICH WAS SENT TO THE SENATE ON JANUARY 9, 2007.