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Senate

(Legislative day of Thursday, March 13, 2008)

The Senate met at 10 a.m., on the expiration of the recess, and was called to order by the Acting President pro tempore (Mr. WEBB).

The ACTING PRESIDENT pro tempore. Today's prayer will be offered by our guest Chaplain, Rev. Elliot Foss, the national chaplain of the American Legion.

PRAYER

The guest Chaplain offered the following prayer:

Let us pray.

God, bless America. You have shined Your face on us before, and we need Your guidance and protection, now more than ever.

God, bless America. Bless our President, our leaders in Congress, and our State and local leaders, as they all seek to serve those who have entrusted them to their offices. May Your light shine in their hearts always.

God, bless America. And for these men and women here today, I ask You to give them wisdom, courage, and hope for the future. Give them Your grace and Your peace; that as they seek Your face, You would impart to them Your wisdom, Your courage, and Your hope, that they will do Your will at all times.

Please, God, bless America and our citizens who seek to live in peace and harmony with one another in this country of ''One nation under God.'' Encourage them to ''Do unto others'' that we all might be prosperous in all we do, by helping those in need and less fortunate.

May Your love surround our citizen soldiers, sailors, airmen, marines, Coast Guard personnel, and their families each and every day throughout this world, and please, God, bless America and bring our troops safely home when all is done. Amen.

PLEDGE OF ALLEGIANCE

The ACTING PRESIDENT pro tempore 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.

RECOGNITION OF THE MAJORITY LEADER

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

SCHEDULE

Mr. REID. Mr. President, following my remarks and those of the Republican leader, if he chooses to make remarks, there will be a period of morning business until 12:30 p.m., with Senators permitted to speak for up to 10 minutes each. The Senate will recess from 12:30 p.m. until 2:15 p.m. for our normal weekly caucus luncheons. Following the recess, the Senate will resume consideration of the motion to proceed to H.R. 3221, which is the housing bill. At approximately 2:30 p.m., the Senate will proceed to vote on the motion to invoke cloture on the motion to proceed to this legislation. The last 15 minutes is set aside for the two leaders, and if we choose to use that time, that is equally divided. The vote will occur, as I have indicated, at 2:30 this afternoon.

RESERVATION OF LEADER TIME

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

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to a period of morning business until 12:30 p.m., with the time equally divided between the two leaders or their designees and with Senators permitted to speak therein for up to 10 minutes each.

The Senator from Georgia.

WELCOMING THE GUEST CHAPLAIN

Mr. CHAMBLISS. Mr. President, I rise this morning to recognize the Reverend Elliot Foss, who is our guest Chaplain this morning. Reverend Foss is quite a unique individual. He is currently the national chaplain of the American Legion. He was appointed by Commander Martin Conaster on August 30, 2007, to that position.

Reverend Foss is a retired U.S. Navy command master chief and hospital corpsman, having served in the Submarine Service. He served in the Navy during Vietnam and through the Persian Gulf war.

He attended Candler Seminary and School of Ministry at Emory University in Atlanta, GA. He served as a pastor in the States of Maine, Virginia, Connecticut, Florida, and Georgia.

He currently resides in Kingsland, GA, with his wife Arlene. He is an ordained Southern Baptist minister. He is a member of American Legion Post 317 in the coastal area of Georgia, where he serves as post commander. He also has served as the Eighth District vice commander and as Post 9 commander in Brunswick, GA. He has served as the American Legion Department of Georgia chaplain for the past 7 years.

I think in this difficult time our country is faced with right now, where we all are very cognizant of the fact that we have a number of men and women in harm's way as well as a number of veterans who have served our country so valiantly in the past, it is

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

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very appropriate that we have the current chaplain of the American Legion in this great country of ours to stand before us and ask for blessings upon all Members of this body as well as the other leadership from a civilian standpoint as well as a military standpoint.

Reverend Foss is a terrific individual. I happened to be with him last week in Kings Bay, GA, which is the home of a submarine fleet. We had the USS *Georgia*, which is a converted nuclear submarine, return to Kings Bay, where it is going to be stationed now. We had a very great ceremony on Friday of last week at Kings Bay, and Reverend Foss was very much involved in the planning for that ceremony.

So I say to him, thanks for coming and for extending that great blessing to us, and congratulations on serving as the national chaplain of the American Legion.

With that, Mr. President, I yield back.

The ACTING PRESIDENT pro tempore. The Senator from Missouri.

HOUSING CRISIS

Mr. BOND. Mr. President, as I think we all know, far too many families in America are seeing the American dream of owning their own home slip away.

Over the Easter break, I toured the State of Missouri. In every community around the State I met with people who are struggling under the threat of foreclosure, neighborhood groups concerned about the impact of foreclosure on their families and on their communities, mayors, city council leaders who are seeing their communities threatened seriously by this spate of subprime foreclosures, and most of all mothers and fathers with children who are facing the loss of their home.

I did not talk with speculators, investors, or the folks on Wall Street, but the people I talked to did have a number of thoughts—thoughts they believe would help them keep the promise of keeping their home. They did not want a Federal bailout. But they were looking for ways to make the system work for them.

Some of the suggestions they made were at the macro level and, among others, they said there ought to be regulation—probably Federal regulation—of those who originate mortgages. Now, many of the bricks-and-mortar lending institutions—banks, and savings and loans in the community—are regulated, but there are many mortgages, subprime mortgages, that were sold over the Internet and by fax. Whenever I go home, my fax machine is filled with 1 percent mortgage teaser rates.

They also want to see HUD be able to move more quickly in getting the FHA secured loans. That is a good idea—to go in and to help homeowners whose mortgages have reset and caused them to lose their homes—but it is too narrow. They think that ought to be reformed.

I believe that through FHA, we, as taxpayers, should not be put at risk by insuring loans where there is zero downpayment. Regrettably, zero downpayment too often means the homeowner can't afford that mortgage and they walk away. The often cited program, the Nehemiah Program, which provides charitable contributions to take care of the downpayment requirements, has an appalling 30 percent default rate. That is a raid on the Federal Treasury. We ought not to be doing that. Before people make a loan, they ought to have counseling and education to make sure their finances, their income will support the mortgage payments.

Also, when you buy a home, you might have to support the replacement of a furnace that blows or a leaky roof, things that renters don't have to pay. If they can't afford to buy a home, we want to see them in a good home that could be a rental home.

But the most important thing they said we could do now is provide counseling, to bring together those homeowners whose homes are in foreclosure or who are facing foreclosure, to sit down with the lenders and see if they can work out an agreement before they go to foreclosure. Everybody says: Well, what interest does a lender have in avoiding foreclosure? Well, foreclosures are expensive. They drive down the value of the property and potentially put at risk the value behind other mortgages they may own in the same community.

Last fall, Senator DODD and I agreed to include $180 million in the Housing and Urban Development Appropriations bill to begin counseling. The first $130 million has gone out. We are beginning to see the results of that. Those counseling dollars can help homeowners, if they will go to a counseling entity such as The United Way or local governments to get counseling, before they wind up on the courthouse steps.

In addition, there need to be dollars available to buy down mortgages where the mortgage rates have skyrocketed because of the subprime crisis. That is why, in the SAFE Act which I have introduced with my colleagues—the Security Against Foreclosure and Education Act—we make sure there is money available through the State Housing Finance agencies. I know well the Housing Finance Agency in Missouri—the Missouri Housing Development Corporation—and they have a great plan. If they can have more money, maybe $160 million to $180 million, possibly $200 million in Missouri, they could go in and buy out mortgages where the private mortgage holder has had to increase substantially the rate because of the overall market conditions. If these HFAs can sell paper, tax-exempt paper, they can bring back the mortgage rates to the level that was affordable initially.

It is very important for fixed-income homeowners to count on a certain mortgage payment. Some have seen it go up 50 percent, and too many of them are being forced to the choice of walking away because they can't meet it. We need to get HFAs to have the ability to go in and refinance those mortgages.

In addition, with Senator ISAKSON, we have included in the SAFE Act a measure to provide a tax credit for families willing to buy a home in foreclosure or going into foreclosure. In other words, it would be a $5,000 tax credit for each of 3 years for families who would move into one of these homes either in foreclosure or facing foreclosure. That not only gives a boost to first-time home buyers, but the most important thing it can do for communities is avoid the problem of having a community with 20 percent of the homes in foreclosure.

This isn't a problem for just the 20 percent of the families who are facing foreclosure; that is a potential disaster for the other 80 percent of the homeowners because what it does to the value of their homes and to the value of every house in that community is to drive the values down significantly, so they may find their home is worth less than the value of the mortgage.

Finally, we want loan transparency. As a former lawyer, I have had the dubious pleasure of going through home purchasing documents several times recently. They give you a stack of paper this high that has all been written by lawyers, God bless them, and it has every contingency spelled out. But most people who go through the purchase process spend 40 minutes signing the papers without knowing what is in them. What we want is a very simple disclosure on top, which is binding on the lender and on the borrower, that says what the rate will be, if it is adjustable, how high it can adjust, when it can adjust, if there is a prepayment penalty, and what are the other terms that might cause significant economic distress to the home buyer. They need to know that in advance. Also, there ought to be counseling to help those prospective home buyers measure their financial ability, their ability, through their income, to buy a home and to make sure they can afford the mortgage they are seeking.

I hope this is the basis on which almost all of us in this body can agree. We have heard a lot about what is going on at the macro level. There are important things happening with the Fannie Mae and the Freddie Mac, such as getting $200 billion more that they can loan, and the Federal Reserve moving in. All these things are important on a large national scale.

This is not only, however, a national and international problem; most of all, it is a community problem. The proposals we have set forth in the SAFE Act are designed to help build up from the community level the solutions we need for home buyers and homeowners, particularly those threatened with foreclosure. We are only going to solve

this problem if we work community by community. The SAFE Act is designed to help homeowners, counselors, and local government officials deal with the problem in their communities and build, community by community nationwide, the solutions to the problem that affects not just homeowners but affects our entire country.

I invite our colleagues to look at this legislation. I hope we can discuss it, as our leader has said, and come to agreement on some things we can pass, and pass right now, because too many homeowners are facing a crisis and need help.

I thank the Chair and I yield the floor.

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

Mr. MARTINEZ. Mr. President, I thank the Senator from Missouri for his words. I was reminiscing, as I was listening to him, about my work as the HUD Secretary, and many times getting good counsel and advice from my main appropriator, a man who knows a great deal about this whole problem and about this issue, and I thank him for his comments. I think he is exactly right when discussing how the problem we are seeing today is hurting families.

When I had the good fortune to be at HUD, it was in the good times. We were talking about ever-increasing rates of home ownership, particularly among minority families; more and more people getting into home ownership. It was a good thing because as we were doing that, we were building communities. Streets were getting stronger and families were getting stronger and cities and communities were getting stronger. Now we are seeing the reverse of that. That is why it is so important to take the steps the Senator from Missouri suggested and to move forward aggressively on this problem.

Let me talk a little bit about what I saw in Florida during the last few days when I was there. I think in Florida it is a microcosm of the problem. The state of the market is one in which we see increasingly, at the level of the homeowner, that people are more and more distressed and more and more in trouble about holding onto the home they have. You drive around and see signs about a foreclosed home for sale. In addition to that, you know people are having a problem making ends meet.

The second situation related to that is the fact that many people are now staying away from the market. They are simply not buying homes. The reason for that is there is a sense of insecurity about where we are today in this very difficult moment. So as a result, we find that homes are not being purchased. This is having an impact on market prices, where home prices are in a decline and fewer and fewer buyers are in the marketplace. As a result of all these things, there have been significant economic impacts on the State of Florida. So what begins as a problem for a family—and a significant problem, a heartbreaking problem—becomes a compounding problem when it impacts the entire economy of a State such as Florida.

The State of Florida is greatly dependent on homebuilding for its economy, and that is a fact. When speaking these past few days to people in the industry, I am hearing from homebuilders who are saying: I have had to lay people off. I had to lay off substantial numbers of the workforce. Large homebuilders have laid off hundreds and hundreds of people. The impact on the economy is significant.

So the Florida situation is somewhat revealing of what is happening across the country, which is why I come back here more determined than ever that we have to act; that this is a time for the Congress to take strong and significant action to try to have an impact on what is a deteriorating situation.

Everybody keeps talking about whether we have hit bottom or when the housing market is going to hit bottom. Well, I am not sure if we have hit bottom yet. I hope we have, and I hope we are beginning the situation of ascending back. But the bottom line is we have to act, and there are things we can do in certain areas where we must act.

I suggest we act in three areas. One is the area that impacts the homeowners themselves. That is what Senator BOND was talking about: About home counseling, about getting people help, about workouts. The fact is, it is in the best interests of a financial institution to work out a loan with a hurting homeowner rather than to turn that into foreclosure. Nobody wants to have a foreclosed home on their inventory; what they want is the homeowner continuing to make their payments.

We have to work on housing counseling. We also have to do FHA modernization. I see the Senator from Connecticut, my chairman. We have worked hard to get FHA done. We have to get that done. That is going to help families by making the FHA a more active player in this current marketplace. It is going to bring FHA into play by allowing them to do larger loans, by allowing them to be more flexible in the loans they do.

FHASecure is a good first step. We need more flexibility in FHASecure. We need to make sure families who have already gotten in trouble but who are not desperate yet—who have not gotten yet to foreclosure but who have gotten behind—are able to utilize FHASecure. Why do we do that? Because it will allow families to get into an FHA mortgage that will allow them to be in a mortgage they can carry and keep out of trouble.

We need to stabilize values. We need to make sure the decline in home values stops, because as that happens, the equity in homes continues to decline, and that is not good for the economy as a whole.

How can we help with these ideas? One I like a lot is Senator ISAKSON's idea to provide a tax credit to try to lower the inventory of unoccupied homes. If these homes are unoccupied, as has happened in Florida—many were built that are today not being bought. We need to get the market going again. We need to get people back into buying homes. We need to make sure they have an opportunity to do so. The encouragement of a tax credit I think will go a long way toward doing that.

A second related problem is liquidity. I have talked to homebuilders who are telling me they have some buyers who cannot find loans. Banks are not lending money. Money has tightened. So as money has tightened, we need to provide those things which will create more liquidity in the marketplace. Which is why I am fearful that cramming down mortgages is not a good idea; in fact, it will work against providing more liquidity.

I also wish to look at the long-term effects. There is a need for regulatory reform. I have talked about the regulation of the government-sponsored enterprises Fannie Mae and Freddie Mac home loan banks.

We need a stronger, more effective regulator. I have been preaching this since I was at HUD. This is an important concept. We have increased loan limits and lowered capital requirements to 20 percent. As we have done that, it is necessary that we look at a stronger regulator. The rules today are not up to par for what we need. These are trillion dollar companies of incredible importance that will play a significant role in getting us out of the market dilemma we are in. In order for them to be stronger and for them to have the kind of investor confidence they must have, I think a stronger regulator would be a great step forward.

I commend the Secretary of the Treasury for the proposal he made on a broader regulatory scheme for our financial world. I think some of these ideas that are also being discussed in Congress are important. We need to consider them and many need to be adopted. They may be on a second tier.

I am looking at more immediate things we can do to prop up the housing market and look forward in that regard. I want to touch on the importance of working in a bipartisan fashion. Chairman DODD and I have had conversations. It is important we work together and come together with something that will help the American people. The people of Florida desperately need help. This is a problem not only relating to the end consumer, the homeowner—the family who tasted that dream of home ownership and got into a loan and is now seeing the nightmare of losing it—but also to those people who have lost a job or are fearful of losing one.

The economy depends so much on housing. That is what we need to address. I hope we will come to some understanding of how to move forward in a bipartisan fashion and work toward a solution that will help the American

people get back to the strong, vibrant economy we have known in recent years, and also continue to grow that dream of homeownership for more and more American families.

I thank the Chair and yield the floor.

The PRESIDING OFFICER (Mr. TESTER). The Senator from Connecticut is recognized.

HOUSING CRISIS

Mr. DODD. Mr. President, I say amen to my colleague from Florida. I didn't hear everything he said; I missed the opening few sentences, but I think I heard about 99 percent of his comments. We have had good conversations privately over the last number of days. What the Senator from Florida probably didn't tell you is that in a previous life he was the Secretary of Housing and Urban Development, the person responsible for a lot of the housing issues in the country. Prior to that, he was involved in the State of Florida in housing issues. He has had a wonderful record of caring deeply about homeownership for those who would not have had the opportunity to acquire homes. So there is a history in his private life, as well as public life, as well as understanding and caring about these issues.

The last point the Senator made is the one I will address as well. This is not a time for partisan politics. We need to get the job done and start working on this immediately. We should have been at this weeks ago, in my view. There is nothing I can do about that, but there is something we can do about this today. I hope that in the coming hours we will do just that. No other issue is as important as this one.

The Senator from Florida outlined in a broad way some of the very issues that need to be addressed. I agree with him and I thank him for his commitment to this and his willingness to see if we can pull together a package, and it may not solve every problem.

I was talking earlier to some folks, saying that the word missing is ''confidence''—the confidence of that family in Florida, the confidence of the investment banker, the confidence of the person involved in the equity markets globally—the word ''confidence.'' How do we restore that and give people a sense of confidence about where we are going.

While I want to be careful about drawing too tight comparisons there is a key period that history has written volumes about, from March of 1933 to June of 1933—the first 100 days of the Roosevelt administration—and there was nothing orderly about it. It was rather chaotic. During the Roosevelt administration, in the midst of a major economic crisis, on the very day of his inaugural, banks were closing their doors all across the country. We think of that line: ''There is nothing to fear but fear itself.'' That administration was trying everything they could to restore confidence. While a lot of their ideas didn't work, or were ill-conceived in some cases, there was a sense in the country that their Government was working on their problems, that the people in charge were trying to make a difference in their lives.

We are not in a great depression, we are in a recession. We could end up in a very similar set of circumstances if we don't begin to act. The American people want to know we are acting, that we understand what they are going through, and that their Government, the legislative and executive branch, is worried about them and doing their best to make a difference in their lives. That is what this is all about.

This morning I want to lay out, if I can, as chairman of the Banking Committee, what we are doing and trying to get done. I hope in this pivotal week we can make a difference in stepping forward. I thank Senator KIT BOND of Missouri. He and I have worked together on so many issues over the last number of years. We worked together on The Family and Medical Leave Act many years ago, and recently we coauthored the $180 million of counseling dollars to assist families who got themselves into a bad deal—whether it was their fault or the fault of a broker. We are trying to work that out so they can stay in their homes. That has made a huge difference. I thank Senator BOND for his understanding of this very early on, and for the importance of that significant step. He has pointed out—and I agree—this issue is no longer just a housing issue, a foreclosure issue. You only need to pick up this morning's business section to read this headline: ''Worst Quarter for Stocks Since '02.'' The first paragraph says:

> U.S. stocks ended the first quarter with the steepest loss in nearly six years as turmoil in the financial markets showed increasing signs of spilling over into the wider economy and debate turned from whether a recession was coming to how deep it would be.

That is a very accurate statement. This is spilling over. The contagion is no longer limited to housing and foreclosures. It is spilling over into every aspect of our economy, spilling over the shores of our country and having global implications. The time is now to come together and make a difference on this issue.

About a month ago, Majority Leader REID brought a bill to the floor, the Foreclosure Prevention Act. Unfortunately, progress on the bill was blocked and we were unable to even debate the bill, let alone vote on it. Since then, the challenges facing American homeowners have only grown worse. In the month of February alone, 223,651 more Americans entered foreclosure, according to RealtyTrac, a company that collects real estate-related data in the country. That amounts to 7,712 foreclosures on a daily basis—over 7,700 today, yesterday, and tomorrow. That is roughly 8,000 people who will be in the process of losing their homes in America—8,000 people every single day—unless we act to do something about it. We gathered to listen to people, who managed to get together over the weekend, on the Bear Stearns-JPMorgan deal, where $29 billion of taxpayer money will go to that deal with that issue. I would like to know there is as much concern about these ordinary people as there is about the shareholders in Bear Stearns. I feel badly that they lost a lot of money, but they are not losing their homes. These people—almost 8,000 every day—are.

So I am going to come to the floor every single day and recite the number on a daily basis of people losing their homes, until we do what I think we ought to do to step up to the plate and make a difference for them. If that foreclosure rate continues—and all indications are that it is actually increasing—almost 240,000 more Americans will have been foreclosed on during the month of March. UBS reports that foreclosures of this magnitude are on par with the severity of foreclosures during the Great Depression.

These foreclosure rates are not simply high in relative terms; they are at record levels, according to the Mortgage Bankers Association. The Mortgage Bankers data shows that more than 1 in every 50 homes with a mortgage in this country is in foreclosure. Foreclosure rates have been growing at record levels for some time, unfortunately.

Foreclosures are increasing because people are continuing to struggle to make their payments. The data tells us that 1 in every 13 homes with a mortgage has fallen behind on their mortgage. Every day that goes by without action means more families are losing their homes.

Compounding the problem, nationally, home prices continue to fall. Home prices are down over 10 percent nationwide over the past 12 months, and they continue to fall. This is the first time we have experienced such a deep and widespread decline—a national decline—in home prices since the Great Depression.

Merrill Lynch is predicting that home prices will fall by 15 percent this year and another 10 percent next year. It is quite possible that over the past month, since the Senate last debated this issue, an American who owns a $200,000 home has seen the value of that home fall by $5,000 in 1 month. I will repeat that. If you have a home worth $200,000, in the last month that home has lost $5,000 in value and may do that every month for the coming months. That is $5,000 of wealth that American families have lost while we in this body have been waiting to even discuss potential legislation to address these problems.

While we have waited, our country lost more jobs as well. We learned in the month of February that the American economy lost over 100,000 private

sector jobs. We have lost private sector jobs in each of the last 3 months. With job losses mounting at the same time mortgage payments are rising, families are falling further and further behind in their ability to pay the mortgage, to make car payments, and to buy groceries and educate their children. At the same time, the cost of these essentials is rising.

Inflation has risen by 4 percent over the past year, far outstripping growth and wages. American families have to do a lot more with a lot less. They have to find a way to pay the bills that keep rising, while the value of their home keeps falling. Their job prospects continue to decline. It is no wonder that consumer confidence continues to fall, reaching record lows that have not been seen, by some measures, since the early 1970s.

We are clearly in the midst of a recession. It hasn't been called that yet by the professionals, but that is what it is. The only question we have is how deep it is and how long it will run. The answer to that question lies, in part, in what we do in this body to confront the challenges we face.

The legislation before us, which our colleagues and the majority leader brought to the floor, will help address the problems we are facing in the housing and mortgage markets in a number of ways. Senator MARTINEZ outlined the parameters briefly. I will go over them once again. These are not revolutionary or new ideas. Many of them already enjoy very broad bipartisan support, at least based on articles written by the American Enterprise Institute, comments by the Chairman of the Federal Reserve, comments by the Secretary of the Treasury, and comments by colleagues here and in the other body as well. So we are not talking about some radical new proposals here, untested, without much thought going into them.

The question is whether we can sit down over the next few hours and package something together and speak with one voice to the American people, saying we hear you. For those 8,000 people, you deserve at least as much of our attention as Bear Stearns and JPMorgan get. If we cannot do that, then every day, those numbers go up—8,000 a day, every day, people losing homes and falling into foreclosure. That is what I hope we will be able to do. These ideas involve counseling services and I thank Senator BOND for his efforts. We joined together to provide resources that are working.

Last week, I spent the week back home in my State. This issue was the dominant issue. We have in one city alone in my State, Bridgeport, Connecticut, where according to the mayor, there are between 5,000 and 6,000 foreclosures—in one of the largest cities in my State. I had to read the most bizarre headlines on the same day in my State, saying that Connecticut ranks No. 1 in per capita earnings in the country, and No. 2 with 6,000 foreclosures in the city of Bridgeport. There is great affluence, on one hand, because some have done very well, and on the other hand, some people are struggling to keep their noses above water. I listened to people at an event in Bridgeport, with the mayor, talking about how counseling services have been helpful, where they can work out a financial arrangement with the lender so they can stay in their homes, pay a mortgage they can afford, and the lender is getting its money—not as much as they would have liked, but more than getting a foreclosed property. So counseling works. It can make a difference for people. That is one of the provisions we are talking about here. I thank Senator MARTINEZ for highlighting that important issue. I thank Senator BOND for his earlier efforts. We need to do more. That is part of the leader's package.

We are also dealing with bankruptcy reform, improving disclosures, increasing the availability of mortgage revenue bonds, and appropriating emergency funds for local communities struggling with foreclosed and abandoned properties.

I commend the majority leader for his leadership in putting this kind of a package together. But I know there are other ideas out there. In fact, some of these ideas need to be moderated or fixed in some way. But that only happens when we work together, when we sit down and try to iron out these differences and then step up with our proposals and allow others who want to offer some ideas to this to be heard as well. It takes time, it is laborious, but that is the job of this body, not to sit there and walk away and do nothing. That is not an option, and failure ought not be an option either. So we need to roll up our sleeves and go to work.

These provisions can make a real difference for homeowners and the communities in which they live and our national economy as well. They are meaningful proposals, but they are also, I might add, modest, particularly in relation to some of the administration's actions.

The administration just took the historic action to support the takeover of Bear Stearns by JPMorgan Chase. This action was a major commitment of taxpayers' money—almost $30 billion. The Senate Banking Committee will conduct a hearing later this week on this particular arrangement and other recent actions by the Treasury, the Federal Reserve, and other Federal agencies to address the recent turmoil in the financial markets.

Without prejudging the outcome of our oversight and investigation of this unprecedented commitment of taxpayers' money, one thing is clear: It is now time to turn our attention to Main Street. As bold as the action was to help Wall Street, we must be bold to help millions of Americans who live on Main Street. Inaction, as I said a moment ago, is not an option, and failure is not either. Every day that passes creates new risks for the financial future of our Nation. We cannot hope this problem is going to go away and solve itself. Our competitors in the global economy are the only ones who will benefit if we do nothing to stem the rising tide of foreclosures that is hurting communities, families, the credit markets, and the overall economy.

The question is not whether we should act, but how. The majority leader has laid out what I believe is a series of responsible policies that will help American families to keep their homes and help communities throughout our Nation deal with the foreclosure crisis. Let me briefly describe several of these critical elements of the package.

The legislation increases funding for foreclosure prevention counseling. I have already addressed this issue. Again, we appropriated $180 million before. There is $200 million in the proposal before us that can make a huge difference to these nonprofit organizations out there working with lenders and borrowers, bringing them together for these workouts.

In addition to effectively fighting foreclosures, we must limit the damaging impact that foreclosures inflict on our communities. That is why we need to help our local communities cope with the serious economic and social problems that vacant properties create. Every one of my colleagues understands this point. I don't need to go through a long description of what happens when we have vacant properties in our towns, communities, and neighborhoods. It is axiomatic what happens. Everyone understands. First, we understand the value of the neighbors' houses goes down immediately. As I mentioned earlier, we are watching a $5,000 decline on a house worth $200,000 in a month alone, merely because of what is happening to declining prices. Throw a foreclosed property into that mix, and obviously you get a further deterioration. Property values for each home located within one-eighth of a square mile of one foreclosed house fall significantly. An average city block, in most of our cities, is one-eighth of a square mile. That is a rough calculation. If you have one foreclosure in that one city block, even though every other home on the block is current on their mortgage obligations, the value of every home on that block declines immediately by 1 percent and crime rates go up in that neighborhood by 2 percent. That happens immediately. Property values decline on an average of $5,000 with one foreclosure in that neighborhood.

We have 44.5 million homes adjacent to subprime foreclosed properties—44 to 50 million adjacent properties next to foreclosed properties. Let me repeat the statistic again. Every day, almost 8,000 people in this country are going into foreclosure—more than 220,000 in the month of February and at least, if not more, that number in the month of

March. When that happens, other property owners suffer. So it is not just the family in the foreclosed property who is affected, it is that hard-working family who lives down the block who is also paying a price for this situation because we are not acting to try to come up with a way to get people to work out something that allows them to stay in their homes.

Localities are losing close to $4.5 billion in property taxes. Again, this is axiomatic. You end up with foreclosed properties, and you end up losing your tax base. Fire protection, police, social services, and schools all pay a price as well. There is a domino effect in this situation, and that is what Senator BOND was talking about earlier. This is no longer just a foreclosure problem. It is far deeper, far wider, and growing by the day. This is exactly what happens when we end up with foreclosures in a neighborhood, what can happen to other properties in that area.

That is why the issue of providing some additional assistance makes sense. I recommended $4 billion to go out to the community development block grants targeted specifically for restoring abandoned properties, making them more marketable, providing assistance to the communities. That is a lot of money, $4 billion. It is not $30 billion. That is what we are on the line for in the Bear Stearns-JPMorgan Chase deal. That deal was cut over the weekend. We never voted on it in this body; that is just a deal they cut. The Federal Reserve has the authority, apparently, to do that. I am not asking for $29 billion or $30 billion; I am asking for $4 billion to go back to our cities and communities to help mayors and towns in urban areas and rural areas where this is happening to provide help for them so they can put these properties in better shape so they can be sold.

The leader's bill also includes a Finance Committee provision that would allow State housing finance agencies to use proceeds from mortgage revenue bonds to help extend mortgage credit to people now trapped in predatory loans, as well as to new homeowners. It would also help expand affordable rental housing, helping people who need a place to go if they cannot hang on to their homes.

This provision, by the way, is one I heard over and over again, and you hear it in every State you go. They reached the max and they need relief, if that housing finance authority is going to be able to provide the kind of relief they need. This is an idea which has broad bipartisan support. I am told the Finance Committee—Senator BAUCUS and Senator GRASSLEY care about it. They believe it is the right step to take. Senator JOHN KERRY of Massachusetts has talked about this issue.

Mr. President, I ask for 5 additional minutes.

Mrs. BOXER. Mr. President, reserving the right to object, and, of course, I will not object, I just want to make sure that when Senator DODD finishes, I be recognized for 10 minutes.

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

Mr. DODD. Mr. President, others have made this recommendation as well. It has some value.

Senator DURBIN's banking provision is a controversial provision. Simply let me state what it is. Under an agreement reached in the 1970s, in order to get lending institutions to provide more credit to risky borrowers, there was an agreement struck that would not allow a workout to occur in bankruptcy when the primary residence is involved. You can have a workout where your secondary residence or farm is involved.

Senator DURBIN, I believe, rightly says: Why should that be the case? In bankruptcy, shouldn't the courts be able to work out something that allows people to stay in their homes or to afford a new mortgage? There is a lot of resistance to this issue, and there is an argument on the other side. I am not going to suggest there is not. My hope is we can work something out in this area. This cramdown, as it is called, this one provision has provoked a lot of objection to this bill, but I am committed to do everything I can to work it out, to allow a vote to occur and allow us to do something in this area.

Senator JACK REED of Rhode Island has a provision in the legislation that will improve disclosures to borrowers and make those disclosures available sooner in the mortgage shopping process. This provision will help borrowers avoid the kinds of abusive loans that are leading to so many foreclosures. I commend Senator REED for this proposal. Again, I think it is a pretty noncontroversial provision.

I understand there are other ideas as well. This is not comprehensive.

Again, Senator MARTINEZ mentioned one idea that JOHNNY ISAKSON has argued for, and I think it has value, to incentivize people to move into foreclosed properties by giving some kind of tax credit to lure people in. This is where the property has been foreclosed, the owner who occupied it is out, and we need to get the property owned and occupied. I think that idea has some value, and we should be able to debate and include that in a package as well.

I wish to mention a few other steps we might consider as well, in addition to the Isakson proposal.

We need to finish the job and enact legislation to modernize FHA. Senator SHELBY and I are working on this issue. BARNEY FRANK, a Congressman from Massachusetts, the chairman of the House Financial Services Committee, has been doing a great job, along with his committee members. I hope we can resolve the few remaining issues on modernization of FHA. We have 19 States that are high-cost States. We want to make sure FHA can do business in those States as well. I hope we can work out something to the satisfaction of all. That bill passed this body 93 to 1 late last year, and we have been working with the House to resolve our differences in that area.

I believe we need to enact comprehensive reform of the GSEs. Senator MARTINEZ mentioned this point, and I agree with it. A strong regulator is necessary, and we are going to get that job done to make sure Fannie Mae and Freddie Mac and Federal Home Loan Banks will be well regulated and can expand.

In addition, I believe we need to establish a new way to deal with the unprecedented wave of foreclosures. This is the legislation I have offered called the Hope for Homeowners Act of 2008. The legislation closely mirrors the approach recommended by the Chairman of the Federal Reserve, Ben Bernanke, and it has been approached by people across the ideological spectrum, including the American Enterprise Institute and the Center for American Progress. This legislation is not a bailout at all. It would provide no windfall to anyone. It says the lender takes a haircut, but you are going to keep people in their homes. The Presiding Officer liked the ''haircut'' analysis, I see. The borrower would end up paying a price by paying insurance on the property. They have to stay in the home to qualify for this provision. It is not going to be easy on them, but nonetheless we believe it allows for a bottom to be achieved, a floor. We think this will help some people facing foreclosures, but, as importantly, it provides a floor. And until we get to a floor of the foreclosure crisis, we are not going to find capital beginning to flow again. This idea of a voluntary program, only going to owner-occupied residences—not speculators and, frankly, not people who never should have gotten into a mortgage in the first place—it is targeted, designed to keep people in their homes and provide that floor we are looking for.

I hope something such as that can be included in this bill as well because we need to deal with the problem of credit. If we do not address the credit issue, we are not addressing the core of this problem. To only address the effects of the problem is not to address the underlying issue, and that is on seizing, if you will, the capital that needs to flow again. This idea, we believe, could do just that. So my hope is, in the coming days, we can enact something very much like that. It is an idea about which Congressman FRANK and I have talked.

I raised this idea several months ago, and I am delighted so many people across the spectrum have said this is a good idea. It was tried, actually, 40, 50 years ago in a different form than we are suggesting but, nonetheless, could make a difference.

There are a number of other ideas we could consider, but more importantly, as Senator MARTINEZ said, we need to get together on this issue. We cannot wait another day. There are almost 8,000 foreclosures a day—8,000 yesterday, 8,000 tomorrow, and every single

day may be worse if we do not act. That is what this chart points to. It requires our attention and our serious energy to make a difference.

I hope in the coming hours we can reach an agreement to go forward to allow us to debate these issues and offer some sound ideas that will offer the American people and others involved in this issue the word ''confidence,'' that their Congress, their Senate, their Government is not sitting idly by and hoping the problem miraculously will go away. We are working on their problem. We understand what they are going through. We care about it, and we want to make a difference for them. That is the challenge for us. I believe we can do this. This is not that heavy a job to get done—a simple amount of will in deciding it is deserving of our time and attention. If we do that, I am confident we can resolve these issues and set a very high standard for the action of this body in helping to step forward and make a difference in people's lives.

I yield the floor, and I thank my colleague from California.

The PRESIDING OFFICER. The Senator from the California.

Mrs. BOXER. Mr. President, I thank Senator DODD so much for his great leadership on this issue. The reason I very much wanted to speak this morning is because California is on the front lines of this crisis. We have about 25 percent of all the foreclosures in our State. I want to show Senator DODD where we rank in terms of the cities.

We make up 7 of the top 10 highest foreclosure filing rates nationwide. First is Stockton, Modesto, Merced—Merced is No. 4, actually. These are very much in the farmland countryside. Riverside-San Bernardino, which is east of Los Angeles and one of the fastest growing areas—and by the way, the place where all of the freight goes through to get to the rest of the country as it comes in from Los Angeles. Bakersfield is No. 7, Vallejo-Fairfield, 8, and Sacramento, right near our capital, 9.

We have 7 of the top 10 highest foreclosure filing rates nationwide. And the reason I stress it is because the things I am about to say are not theoretical. I have seen them happening. I held five roundtable discussions in various parts of my State, in many of these communities, and everything Senator DODD is saying about what occurs in a community is right on target because when you start with one foreclosure, and a house gets boarded up, and then someone else puts their house up for sale and it sits, suddenly you have a circumstance where crime is going up and properties are going down. It is a vicious cycle. Suddenly people owe more on their home than the home is worth, and it is a very dangerous circumstance.

The way I would describe it, Senator DODD, in thanking you so much, is this: This crisis keeps getting away from us because while this administration definitely cares about Wall Street—and, by the way, I used to work on Wall Street, and I think what they did makes sense—the question is, where are they when it comes to my communities, to your communities, to the communities all over the country that are struggling? Why don't they bring that same sense of purpose?

Today, we are going to see if our Republican friends have a change of heart because, of course, they stopped us the last time we tried to do this. But the commonsense things that are in your bill, and now I guess it is the leadership bill as well—and I thank you, Senator, I know you need to rush off—are just so sensible.

It provides $200 million in additional funding for housing counselors. And let me tell you anecdotally what I know from having spoken to counselors. When the counselors sit down with the mortgage lender and they sit down with the homeowner, miracles happen, and anecdotally I can tell you about 50 percent of the cases are resolved.

Now, times have changed. In the old days—and I would say that is when I bought my house, the old days—you had the banker down the street. If you wanted to refinance, you visited the banker down the street, and you told him the purpose of the refinance. Maybe you wanted to borrow on the equity of the home because you wanted to send a child to school. Maybe you wanted to add a new bedroom, expand the house, do some landscaping. It was very much a face-to-face situation. But because of the way the markets have changed, a lot of people don't even know who holds on to their mortgage. That mortgage may have been securitized, may have been put inside a big package of other things and may be sitting somewhere in a hedge fund. They do not know who actually holds their mortgage.

So you get a counselor who understands how to go about following this trail, and it makes a huge difference.

One would think, and I certainly would, that it is to everybody's benefit to save a home, not only for the lender and the homeowner but the community. So counselors are important.

We provide $4 billion in community development block grants for localities so they can get involved as part of the solution. We are in Washington, but the city council people, the mayors, the county supervisors, the Governors and the rest, they are on the ground where all this is happening. Give them some tools and give them some standards and let them have a chance to resolve some of this.

Allow bankruptcy judges to modify loans on principal residences. Right now—and I was struck to find this out, as most of my constituents are—if you declare bankruptcy and go to court, the judge can do a lot of refinancing to straighten you out, but he can't touch the principal home. If you have a second home, a third home, a yacht, a car, all that can be refinanced. But the judges have been blocked.

Now, I know there are some on the other side of the aisle who don't like this provision. Well, if you don't like it, please explain why because it doesn't make sense. They say it will raise interest rates. It is just not true the way this provision has been modified. But if you want to change it, then vote to proceed to this bill and then fix that provision. Don't stop us from going to this bill.

We provide an additional $10 billion in tax refunds for housing refinance agencies to refinance subprime loans. This is just another very good way to set up an agency that can help you out of your mess. If you want to stay in your home and you prove that you can stay in it, that you have the financial wherewithal, you can go to this to get these funds.

This increases transparency and accountability by simplifying disclosure on mortgage documents. We all know that is key. And we allow struggling companies to apply current losses to tax returns from prior profitable years.

This has hit home builders very hard, this downturn, and they need this help with Uncle Sam and the Tax Code.

So I want to say to my colleagues who may be listening—maybe there is one or two—that to stop us from going to this bill is very hurtful to the American people. It is very harmful to the American people. Experts are predicting that over 2 million Americans with subprime loans, including more than 460,000 Californians, will lose their homes. Let's grab this crisis finally by the tail and pull it toward us and resolve it. Don't let it get away further.

I can tell you, since we are in many ways at ground zero of this crisis, it is a very sad thing to watch what is happening. We have the ability to do a lot, and this is a modest bill. It is a good bill. It certainly doesn't spend as much as the bailout of Wall Street, which, again, I think was a good idea, but we certainly need to know more facts about it, and we certainly need to give the same attention and concern to the middle class of this great country.

From all the meetings I held around my State, I can tell you that people are looking to us, and they are not going to understand it when a colleague votes no to proceed to a bill because they didn't like one out of the six things in it. It just doesn't make any sense.

Let me give you from this chart one more look at the crisis in my State. This shows you nationwide that there have been 223,000-plus filings for foreclosure. That is 1 in every 557 homes nationwide. That is a 60-percent jump from 2007. In my State, which is a huge State, about 37 million, 38 million people now, we saw 53,000-plus filings, or 1 in every 242 homes, for an increase of 131 percent from 2007 to 2008. And then we break it down by counties here and we see the desperate situation that some of our counties and cities are going through.

We have already made some progress, and I want to thank my colleagues for

the stimulus package where we did a few things that helped our State. One of them, in particular, was raising the conforming loans by Fannie and Freddie. That was very helpful. We also have moved to work to get more counselors out there. But there is not enough counselors out there.

So there is no question it is time but for us to act. We have faced, I don't know what it is now, 60, 70 filibusters by my Republican friends, and they have every single right to do it, but they also know—I know they know this—they will take the blame for this if nothing gets done. So I say to my friends, I understand you don't like everything on our list. I totally get it. By the way, there are things that are missing from this list that I would like to add. But I am not going to vote no to go to solving this crisis because there is something on here that I feel is missing.

In conclusion—the words everybody waits for when a Senator speaks—it is our turn to step forward, and if we fail to do so, we are irrelevant to this country. If we cannot have the courage to cast a vote to go to solving the housing crisis, we are irrelevant to this country when every leading economist tells us that it is the housing crisis that is at the heart of this recession.

I thank the Chair for this chance to speak. We need this bill to help our families stay in their homes.

Mr. LEVIN. Mr. President, I am hopeful that we can proceed to a debate on this important Foreclosure Prevention Act without further delay. Homeowners across the country are suffering, and there are a number of things Congress could do to improve the worsening situation. We need to put aside partisan bickering and work together to keep families in their homes and keep this crisis from further weighing down our economy.

Since we last voted on whether to take up this measure in February, it has become even more obvious that the mortgage crisis is triggering a domino effect that threatens to weaken and undermine substantial portions of our financial system.

The situation is dire. In Michigan alone, nearly 80,000 homes are expected to be lost to foreclosure by 2009. My State has seen an increase in the number of foreclosure filings of 282 percent since 2005.

Michigan is not alone in this crisis, nor are homeowners facing foreclosure and declining housing values the only ones being affected. Over the past few weeks we have seen the near collapse of investment bank giant Bear Stearns and an unusually active Federal Reserve working overtime to ease widespread concerns over our financial markets. At the root of these concerns is the fact that there is a long chain of investors and lenders relying on American homebuyers to pay what, in many instances are, shaky home loans.

It is urgent that we move forward on this bill to provide immediate help. Since we last tried to take up this bill, I have continued my series of roundtable meetings in Michigan communities. I have met with leaders from local and State government as well as organizations who are in the trenches working with families facing foreclosure to discuss practical ways to help homeowners and protect our economy from further damage. When I have asked for their feedback on this bill, they think it would help address a number of the problems they highlighted.

Across Michigan, everyone recognizes that declining home values affect not just those who are being forced into foreclosure or to sell at a loss but everyone who owns a home and the neighborhoods in which those homes are located. Many communities would like to rehabilitate abandoned and foreclosed properties so that surrounding property values do not continue to fall. But currently there are not funds to meet the growing demand. This bill provides $4 billion in Federal block grants to areas with the highest foreclosure rates and filings to help rehabilitate abandoned or foreclosed properties and prevent further damage to local housing values and neighborhoods.

I am encouraged by the work of many counseling organizations, such as those I met with during my roundtable meetings in Michigan, that are trying to help families avert foreclosure. But across Michigan, foreclosure prevention counselors are overwhelmed, and a lack of funds is tying the hands of local groups trying to help keep families on track. This bill would provide $200 million for this much needed pre-foreclosure counseling.

Because each new foreclosure affects the value of properties around it, in Michigan and across the Nation, there are also many homeowners who are facing the financial pressures of owing more on their mortgages than the current dollar value of their houses, a situation known as being ''underwater.'' There is a critical need for more affordable loans to be made available to help these families refinance and stay in their current homes. Most homeowners do not want to uproot their children and leave their community behind, even if the balance of their mortgage is greater than the current market value of their home.

This bill would help address this problem by authorizing States to issue $10 billion in new tax-exempt bonds to help homeowners refinance adjustable rate mortgages. Providing refinancing options for homeowners in potentially solvent situations is an important component in the effort to reverse the current tide of foreclosures.

Ending the foreclosure crisis will require a team effort among Federal, State, and local governments, community and neighborhood organizations and lenders, brokers, and borrowers. This bill recognizes that fact. It provides an opportunity to help keep struggling families in their homes. It provides an opportunity to help restore our housing markets by keeping declining property values stable. It will protect neighborhoods from a glut of vacant homes. We need to take up this bill now, debate it, consider amendments, and then pass it. To not do so would be to sit idly by while too many needlessly suffer.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I understand I have 30 minutes, and I now ask unanimous consent that it be formalized.

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

JUDICIAL CONFIRMATIONS

Mr. SPECTER. Mr. President, I have sought recognition today to speak about three subjects: One, judicial confirmations; secondly, the budget resolution; and thirdly, the housing situation.

First, as to the confirmation of judges, through staff, I have notified the distinguished chairman of the Judiciary Committee that I intended to address this subject, and the theme of my comments is that we ought to be moving ahead on judicial confirmations.

We have a situation where there has not been one confirmation of a Federal judge this year. Since September 25th of last year, there has only been one hearing for a circuit judge, and that was on February 21, in the midst of a recess. There have only been two hearings that included district court judges, the one on February 12 and one other. Six nominees have been heard; four are on the agenda for this week's executive business meeting.

The comparison between what has happened with President Bush and President Clinton shows a decisive imbalance which requires prompt action by the Senate on the confirmation of President Bush's judges. During the last 2 years of President Clinton's administration, 15 circuit judges were confirmed compared to six for the last 2 years, so far, of the Bush Administration. During the last 2 years of President Clinton's administration, 57 district judges were confirmed compared to only 34 during the Bush Administration.

On the 8-year cycle for President Clinton, 65 circuit judges were confirmed and 305 district judges. And so far, during President Bush's two terms, 57 circuit judges have been confirmed and 237 district judges have been confirmed.

Now, the statistics can be argued in many ways, but I think it is hard to overcome the basic conclusion that it is unacceptable to have no confirmations of a Federal judge in the entire year, so far, in 2008. Three months have expired. It is unsatisfactory to have only one hearing for a circuit judge in the past 6 months, and last year only four circuit judges were given hearings.

Now, regrettably, this pattern has evolved over the past two decades. During the last 2 years of President Reagan's administration, the Senate was controlled by the opposite party and there was a stall. Then, during the last 2 years of President George H.W. Bush, the first President Bush, again during the last 2 years of his administration, judges were stalled. Republicans retaliated with gusto during the last 6 years of President Clinton's administration and exacerbated the warfare on judges following what the Democrats had done.

And, as we have seen in 2005, this Chamber was virtually cast asunder by the battle on the Democratic filibusters and the threat of a nuclear option or constitutional option to change the filibuster rules. It was open warfare in this Chamber, until it was finally worked out through the so-called Gang of 14. Now we have a desperate situation where judicial emergencies exist in many of these courts, and the Senate is not acting to confirm judges to fill those seats.

The Washington Post has editorialized on the subject to this effect. In December of 2007, the Post said:

> [T]he Senate should act in good faith to fill vacancies—not as a favor to the president but out of respect for the residents, businesses, defendants and victims of crime in the region the 4th Circuit covers. Two nominees—Mr. Conrad and Steve A. Matthews—should receive confirmation hearings as soon as possible.

The Post further editorialized about another Fourth Circuit nominee:

> [B]locking Mr. Rosenstein's confirmation hearing . . . would elevate ideology and ego above substance and merit, and it would unfairly penalize a man who people on both sides of this question agree is well qualified for a judgeship.

What we are dealing with is not just politics in the Senate. We are dealing with the rights of residents—as noted by the Washington Post, of businesses, of defendants and victims of crime—who are affected by the failure to move ahead and confirm judges. That, I suggest, is totally unacceptable.

I emphasize the blame rests on both parties, as this pattern has unfolded over the past two decades. Each time it has been exacerbated, it has intensified. I supported qualified judges during the administration of President Clinton because I thought it was inappropriate to tie them up. I thought the Democratic President was correct in seeking confirmation of his judges. Now I believe the Republican caucus is correct in saying it is inappropriate to block the confirmation of Federal judges, especially when no judge has been confirmed yet this year to the Federal courts and only one circuit court nomination hearing has been held in the past 6 months.

It is my hope that we will find a way to declare a truce. We have an election coming up in November. It may well be that there will be a change of parties—or not. It may well be that, unless a truce is declared, the opposite party will have sufficient votes through filibusters or otherwise to stop judicial nominations. It hurts the country. It hurts the people who are trying to get their cases decided. It hurts litigants.

The judicial process is fundamental in our society, and it is being thwarted by the tactics which have become business as usual in the Senate. I hope we will be able to resolve this matter. I hope we will be able to declare a truce. There is consideration being given to a variety of responses to this kind of conduct by the majority, and we all know any one Senator can tie up this body unilaterally because this place functions on unanimous consent and waivers of a lot of technical rules. That would be, perhaps, even more disastrous. But, we have to find a way out of this, I suggest, because it is totally unacceptable to continue as it is running today.

Mr. President, I now ask that the CONGRESSIONAL RECORD contain a separate caption for what I am about to say, under a resolution which I am about to submit to change the budget process.

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

(The remarks of Mr. SPECTER pertaining to the submission of S. Res. 493 are located in today's RECORD under ''Submission of Concurrent and Senate Resolutions.'')

HOUSING CRISIS

Mr. SPECTER. We are scheduled to have a vote at 2:15 this afternoon on a motion to invoke cloture on the motion to proceed to legislation that has been filed at the desk by the majority leader. This legislation contains a number of proposals, the most important of which is under consideration by the Judiciary Committee at the present time. I have filed alternative legislation, captioned S. 2133, which offered relief to homeowners who have so-called variable rate mortgages and who are facing bankruptcy.

Home buyers who have variable rate mortgages are sometimes surprised to find their payments, after a period of time, jump from—illustratively—$1,200 a month to $1,900 a month, an enormous change that they had not expected because they have a variable rate mortgage.

I believe that in these situations, there is a good basis to give bankruptcy courts authority to inquire into the circumstances of such mortgages and to roll back or reduce the interest rates. The rate of foreclosure for these types of mortgages has more than doubled in the past year while foreclosure among homeowners with fixed-rate mortgages has increased only modestly. Frequently, the person taking out a mortgage doesn't understand there is a risk that there will be a large increase in the interest rates on variable rate mortgages. Sometimes there is deception on the part of the lender or mortgage broker. Sometimes it may even constitute fraud. I believe the best policy would be to allow the bankruptcy courts to consider these matters on an individual basis. The lender is still going to receive, ultimately, the full amount of the principle but not with interest rates that put the home buyer in a precarious position, or even foreclosure.

Senator DURBIN has introduced legislation captioned S. 2136 that goes much further by authorizing the bankruptcy court to reduce the principal amount of the mortgage. I am opposed to that approach because it will increase the risk associated with mortgage lending and discourage lenders from providing capital for home mortgages. The Bankruptcy Code currently does not allow for the modification of mortgages because Congress did not want to discourage lenders from giving mortgages to future homebuyers. There is an excellent statement by Justice Stevens in Nobelman v. American Savings Bank in which he gives that precise reason for the provision barring modification of mortgages. Congress must be cautious about making changes to the Bankruptcy Code that will leave consumers worse off in the long run. I believe Senator DURBIN's proposal would have that effect.

I believe we ought to be acting on the issues confronting us on housing, but I am concerned that given the current state of affairs, the procedures to be followed will preclude amendments, such as my interest in offering an amendment with the substance of my bill, S. 2133. The better practice would be to work through the Judiciary Committee, which is now considering the Durbin legislation, with my legislation offered in Committee as a second-degree amendment. We are scheduled to have a markup on that on Thursday. Regular order would suggest that is a better practice to have it come out of the Committee, where we are in the process of having a markup. We will later have a committee report, and it would be much more conducive to appropriate deliberation than having a measure filed under Rule XIV, where it is lodged at the desk, where there has not been analysis and a markup, and there has not been a committee report.

If it is possible to offer amendments, I would consider supporting the cloture motion. However, if the majority leader is going to fill the tree and not allow amendments, then I am opposed to that procedure and would oppose cloture. The practice of so-called filling the tree is highly undesirable. The essence of Senate procedures is to allow Senators to offer amendments.

In February of last year, more than a year ago, I introduced a resolution, S. Res. 83, to change the standing rules so the same person could not offer both a first-degree and a second-degree amendment. This change of the rules would preclude the majority leader, who has priority of recognition, from so-called filling the tree to prevent anyone else from offering amendments.

The Rules Committee has not acted on that resolution, but I think that is an important piece of business, that our rules ought to be changed so the majority leader could not be in a position to fill the tree and preclude other Senators from offering amendments.

I am open as to what is going to happen on the cloture vote this afternoon. But certainly, if there is not an opportunity for me to offer my amendment or for others on this side of the aisle to offer amendments, I will oppose it.

I believe I have some time left on my order. How much time do I have remaining? I have been asked to yield some time to my distinguished colleague from Utah. I believe this is Republican time at the moment. Parliamentary inquiry: Are we still on Republican time?

The PRESIDING OFFICER. The time is evenly divided until 12:30, a little less than 23 minutes.

Mr. SPECTER. I don't wish to step in front of the distinguished Senator from Colorado, his having waited on the Senate floor. But at any rate, I will not utilize the last 5 minutes of my time so it will be available to the Senator from Utah, either now or after the Senator from Colorado finishes his time because he has been waiting.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. I ask unanimous consent that I follow the distinguished Senator from Colorado.

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

The Senator from Colorado.

ORDER OF PROCEDURE

Mr. SALAZAR. Mr. President, I ask unanimous consent that after I speak for up to 15 minutes, Senator HATCH be recognized for up to 15 minutes, and then following Senator HATCH, Senator DURBIN for 15 minutes, and then Senator REED of Rhode Island for the remainder of the Democratic time; if there is a Republican to speak between Senator DURBIN and Senator REED, that Republican Senator be recognized.

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

Mr. SALAZAR. Mr. President, I come to the floor once again to urge my colleagues to begin serious work that is needed to address the housing crisis. The news keeps getting worse. Home prices continue to decline steeply. Home sales are reaching record lows, and the resulting shock to our broader financial system keeps getting worse. In the 2 weeks since we adjourned, we saw the Federal Reserve act to bail out a major investment bank by facilitating the purchase of Bear Stearns by JPMorgan. This marked the first time in history the Fed had acted to rescue a financial institution of this kind. It did so because of the impact a Bear Stearns collapse would have had on the entire economy.

Last week, it was reported home prices in the 20 largest metropolitan statistical areas suffered their largest drop in history, over 10 percent in 1 year. In some cities, such as Miami, Las Vegas, and Phoenix, the drop is as high as 18 or 19 percent. Yet because of the Republican filibuster in this Chamber 2 weeks ago, the Senate has failed to act to deliver meaningful solutions to this crisis which is at the center of the economic storm pummeling the middle class.

When we look at the headlines, they keep coming: From USA Today, ''Battered Home Prices Keep Toppling;'' from the New York Times, ''Slump Moves from Wall Street to Main Street;'' from the Wall Street Journal, ''Housing, Bank Troubles Deepen;'' from the Washington Post, ''Mortgage Foreclosures Reach All-Time High.''

We voted on the Foreclosure Prevention Act several weeks ago. The bad news since then has, in fact, gotten worse. This is a scene all too familiar across the States. All across America families are feeling the pain of the housing crunch. Price-reduced homes are on sale because they have been foreclosed upon. It is not just families who are being foreclosed upon; it is their neighbors whose home values have declined steeply as a result of foreclosures in the neighborhood. Again, it was reported last week that home prices in the 20 major metropolitan areas declined over 10 percent between January of 2007 and January of 2008. Price reduced, price reduced, price reduced—that is not a sign any homeowner wants to see on their lawn or on their neighbor's lawn or on their street. These are not just families who found themselves in financial situations they could not afford to climb out of; these are families who bought houses between 2002 and 2006, stayed current on their payments, and hoped to see the value of their homes continue to appreciate. But through no fault of their own, these families have seen their homes, their single most valuable asset, decline precipitously in value.

The next chart demonstrates how widespread the problem has become in my own State of Colorado. These are figures from the Center for Responsible Lending which has projected that we can expect to see troubles ahead in terms of the continuing tide of foreclosures over the next several years and how these foreclosures will affect not only owners of the foreclosed homes but entire neighborhoods and, in fact, most homeowners across the State of Colorado.

The Center for Responsible Lending projects that in Colorado we will experience nearly 50,000 additional foreclosed homes in 2008 and 2009, as the adjustable rate mortgages reset and as home values continue to plummet.

As stated on this chart, which is a map of my wonderful State of Colorado, we see expected foreclosures are going to be right at about 50,000. The spillover impact for surrounding homes that will suffer decline during that same period is almost 750,000 homes. That is more than a third of the homes of the State of Colorado are going to see this declining spiral. We are going to see a decline in home values in the aggregate of $3.2 billion in my State in the loss of home ownership value.

The situation is clearly getting worse. Many middle-class families whose budgets are already stretched thin cannot afford such a steep decline in the value of their most important asset. Congress has a responsibility to act aggressively to help families stay in their homes and to stem the tide of foreclosures that continues to serve as a serious drag on our overall economy. That is why we are here again today, working to move on the Foreclosure Prevention Act of 2008, legislation introduced by Senator REID, in consultation with the chairs of the committees of jurisdiction. That legislation would take several steps to provide meaningful and immediate assistance to families and communities affected by foreclosures and to prevent other families and communities from finding themselves in the same situation in the future.

The legislation does three simple things. First, it seeks to help families facing foreclosure to stay in their homes by expanding State authority to issue tax-exempt mortgage revenue bonds, increasing funding for credit counseling, and allowing bankruptcy judges to restructure mortgages. Second, it provides critical help to communities across the country that have been affected by foreclosure by increasing funding under the Community Development Block Grant program. Third, it takes steps to help families and communities avoid foreclosures in the future by requiring simplicity and transparency on mortgage documents. I am especially glad these provisions are included in the legislation.

The two tax-related provisions reported out of the Finance Committee on a bipartisan basis as part of the bipartisan economic stimulus proposal represent important steps that provide low-interest loans to homeowners seeking to refinance their mortgages and to allow ailing businesses, including those in the home construction industry, to carry back their losses a longer period of time to average out their good and bad years.

I also support funding increases for credit counseling, which will go a long way toward helping families understand the financial burdens associated with taking out a long-term home loan and to avoid foreclosure. In my State of Colorado, we have already seen how beneficial these kinds of services can be. Last fall, a consortium of government, private sector, and nonprofit organizations launched the Colorado foreclosure hotline which connects borrowers with nonprofit housing counselors who can provide information on a borrower's options when facing foreclosure. Counselors can facilitate communications between lenders and borrowers. The hotline itself has already

received over 10,000 calls in the last 6 months.

This is a sign from the foreclosure hotline in Colorado. Since it was first formed, this consortium between the government, the private sector, and nonprofit organizations, more than 29,000 people in Colorado have called this hotline.

This legislation will go a long way toward helping us implement this kind of program all the way across the country. The American dream of home ownership is today a dream which is becoming nebulous for the people of our country because of the huge foreclosure crisis we have seen across the country which has caused such a decline in home values all across America.

I believe it is our responsibility in the Senate to move forward to provide relief to these middle-class families who are in danger of losing value in their homes and in danger of losing their homes. This is an economic stimulus program which I think is timely for us to act upon. I hope our colleagues will join us in voting aye on the motion to proceed to the housing legislation.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

THE CONFIRMATION PROCESS

Mr. HATCH. Mr. President, the American people sent us here to get things done. One of the most important things we do is consider and vote on the President's nominations to the Federal bench and the Department of Justice.

I can put it simply: We are failing to do our duty.

Let me first address the judicial confirmation process. The Constitution gives to the President the authority to nominate and appoint Federal judges. The Constitution gives to the Senate the role of advice and consent as a check on the President's appointment power.

The Senate gives the President advice about whether to appoint his judicial nominees by giving or withholding our consent. We are supposed to do so through up-or-down votes. That is what the Constitution assigns us to do and what the American people expect us to do.

That is what we are failing to do.

For the record, since I was first elected, I have voted against only 5 of the more than 1,500 nominees to lifetenured judicial positions the Senate has considered on the floor. Some of my Democratic friends, including those with far less seniority, have voted against more than three times as many nominees of the current President alone.

I have strongly opposed all filibusters against judicial nominees, both Democrats and Republicans. Some of my Democratic friends opposed filibusters of Democratic nominees but heartily supported filibusters of Republican nominees.

I have not taken a partisan approach to judicial confirmations. But I must say that today this body is failing to do its confirmation duty.

At both stages in the confirmation process—in the Judiciary Committee and on the Senate floor—Democrats are failing to meet not only historical standards but their own standards as well. Democrats have vowed not to treat President Bush's nominees the way Republicans treated President Clinton's nominees. Democrats are keeping that promise. Let me refer to this chart.

In the past 10 months, for example, the Judiciary Committee, under Democratic control, has held a hearing on only three appeals court nominees. During the same period under President Clinton, the Judiciary Committee held a hearing on 12 appeals court nominees—four times as many. And by the way, every one of those Clinton nominees was confirmed, 11 of them within an average of only 48 days after their hearing, and 9 of them without a single negative vote.

When I chaired the Judiciary Committee under President Clinton, we held no less than 10 hearings that included more than 1 appeals court nominee—10. While Democrats have controlled this body under President Bush, the Judiciary Committee has not held a single one—not one. Ten to zero. Democrats are certainly not treating Bush nominees the way Republicans treated Clinton nominees.

The Democrats are not only failing to meet historical standards in the Judiciary Committee, they are failing to meet even their own standards. When I chaired the committee, Democrats complained about every nomination hearing that did not include an appeals court nominee. With Democrats in charge under President Bush, the Judiciary Committee has held nearly a dozen nomination hearings without a single appeals court nominee.

There has already been one confirmation hearing this year without an appeals court nominee, and another one will take place on Thursday.

The picture is the same on the Senate floor, where Democrats are failing to meet either historical standards or their own standards.

President Bush is the fourth President in a row to face a Senate controlled by the other party during his last 2 years in office.

Under his three predecessors, the Senate confirmed an average of 75 district court nominees during their last 2 years in office. More than half of them were confirmed in the final year.

Fifteen months into the current 110th Congress, we have confirmed only 31—only 31—district court nominees for President Bush.

Similarly, under the previous three Presidents, the Senate confirmed an average of 17 appeals court nominees during the President's final 2 years in office. So far in the 110th Congress, we have confirmed only six appeals court nominees for President Bush.

Now, to meet the historical average, we will have to confirm 44 district court and 11 appeals court nominees in the next several months. If anyone believes that will happen, I have some oceanfront property in the Utah desert I would like to sell them.

Even if we did the completely unexpected, President Bush would still leave office with a much smaller impact on the Federal bench than his predecessor.

President Bush has so far appointed 295 life-tenured Federal judges, well behind President Clinton, who appointed 346 at this same point in his presidency.

Now, some around here spin a yarn about a supposed Republican blockade against President Clinton's judicial nominees. Some blockade. It allowed President Clinton nearly to set the all-time judicial appointment record.

On the Senate floor, Democrats are not only failing to meet historical standards, they are also failing to meet even their own standards. Eight years ago, when Democrats were in the minority during the last year of President Clinton's tenure, they were crystal clear about what the judicial confirmation standard should be.

One senior Democrat on the Judiciary Committee, for example, came to this floor often in 2000, insisting over and over that Democrats had set the proper standard back in 1992. This is what he said:

> I say let us compare 1992, in which there was a Democrat majority in the Senate and a Republican President. We confirmed 11 court of appeals court nominees . . . and 66 judges in all. In fact, we went out in October of that year. We were having hearings in September. We were having people confirmed in October.

Today, as in 1992, a President Bush is in the White House.

Today, as in 1992, Democrats control the Senate.

Today, Democrats do not have to badger the majority to meet their judicial confirmation standard. They are in the majority. All they have to do is meet their own standard, and thus far they have failed to do so.

After all, if the Judiciary Committee is not holding hearings on appeals court nominees now, if the Senate is not confirming nominees now, what makes anyone think we are going to be doing so in September or October as Democrats once said we should?

We will no doubt hear any number of rehearsed responses, retorts, and rejoinders. We will hear, for example, that the White House has not sent us a nominee for every existing judicial vacancy. True, but beside the point. Lacking nominees for vacancies X, Y, and Z is no excuse for failing to hold hearings and votes on nominees to vacancies A, B, and C.

We have already heard about the so-called Thurmond rule, supposedly justifying grinding the confirmation process to a halt in this Presidential election year. The Thurmond rule neither is a rule nor can it be attributed to the late Senator Strom Thurmond, a former Judiciary Committee chairman.

Here is what the Democrats said about the so-called Thurmond rule in 2000, when a Democrat was in the White House:

We cannot afford—

The Democrats said—

to follow the ''Thurmond Rule'' and stop acting on these nominees now in anticipation of the presidential election in November.

Well, today is only April, but it already looks as if Democrats are stopping action on judicial nominees in anticipation of the Presidential election.

Now, that same Democratic leader spoke on the Senate floor on October 3, 2000, a month before the election. He once again rejected the so-called Thurmond rule and used 1992 as the judicial confirmation standard, even in a Presidential election year. This is what he said:

Do you know how long the Democrat-controlled Senate was confirming judges for a Republican President [in 1992]? Up to and including the very last day of the session; not up to and including 6 months before the session ended.

That was then. I wonder how long this Democratic-controlled Senate will be confirming judges for this Republican President.

We will no doubt continue to hear the cute but misleading phrase ''pocket filibuster,'' a blurb created by the Democratic spin machine to somehow blame Republicans for unconfirmed Clinton judicial nominees.

Our constituents may not know it, but my Democratic colleagues certainly do, that every President has nominees who do get confirmed for a host of different reasons. But why let the facts get in the way of a good sound bite?

The unconfirmed Clinton nominations include many President Clinton himself withdrew or chose not to renominate. They include others who were nominated too late in a session to even be processed. They include others who did not have the support of their home State Senators.

The current Judiciary Committee chairman insists he is not responsible when nominees lacking support from their home State Senators do not get hearings. When he follows this policy, he blames it on Senate tradition and senatorial courtesy. When a Republican chairman follows this policy, he calls it a pocket filibuster.

When you sort out the real reasons that Clinton nominees were not confirmed, you find this Democratic sound bite has a margin of error of about 500 percent.

One of my Democratic friends was recently quoted as saying that facts are stubborn things. They are indeed.

None of this explains, let alone excuses, Democrats' refusal to holding hearings or votes on judicial nominees who do have their home State Senators' support.

The U.S. Court of Appeals for the Fourth Circuit, for example, is one-third empty—one of the most important circuit courts in the country. President Bush has sent us nominees to four of the five vacancies on that court. One of them, Robert Conrad, has the support of both home State Senators, our distinguished colleagues from North Carolina. He has been nominated to a position that has been open for 14 years. The Administrative Office of the U.S. Courts has designated it a judicial emergency position.

This body confirmed Robert Conrad to the U.S. district court a few years ago without even having a rollcall vote. Yet he has been waiting for more than 250 days without a hearing.

Steven Matthews, likewise, has the support of his home State Senators, our distinguished colleagues from South Carolina. He has been waiting for more than 200 days without a hearing.

The American people sent us to do our duty, and that includes giving a hearing and a vote on these nominees.

Mr. President, I ask unanimous consent to have printed in the RECORD a letter, dated February 13, 2008, signed by more than 50 grassroots organizations, urging us to do our judicial confirmation duty.

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

FEBRUARY 13, 2008.

Hon. PATRICK J. LEAHY,
Hon. ARLEN SPECTER,
Hon. JOSEPH R. BIDEN, Jr.,
Hon. SAM BROWNBACK,
Hon. BENJAMIN L. CARDIN,
Hon. TOM COBURN,
Hon. JOHN CORNYN,
Hon. RICHARD J. DURBIN,
Hon. RUSSELL D. FEINGOLD,
Hon. DIANNE FEINSTEIN,
Hon. LINDSEY GRAHAM,
Hon. CHARLES E. GRASSLEY,
Hon. ORRIN G. HATCH,
Hon. EDWARD M. KENNEDY,
Hon. HERB KOHL,
Hon. JON KYL,
Hon. CHARLES E. SCHUMER,
Hon. JEFF SESSIONS,
Hon. SHELDON WHITEHOUSE,
U.S. Senate, U.S. Capitol,
Washington, DC.

DEAR SENATORS: We write both to express our deep concern about the lack of progress in 2007 in reporting judicial nominees—particularly circuit court nominees—out of the Judiciary Committee, and to discuss reasonable expectations for progress on this issue in 2008.

The remarkably low approval ratings for the 110th Congress are a testament to Americans' concern that their representatives are more interested in partisan politics than in serving the people. The American people want you to do your job, and among the most important responsibilities of the Judiciary Committee are processing and voting on the President's judicial nominees.

The impact of the judges issue on Senate campaigns over the last six years demonstrates that the public is watching. Your constituents may not pay close attention to the details of the confirmation process, but they cannot help but notice the personal attacks on nominees, the emphasis on politics over progress, and the basic unfairness of denying qualified nominees a fair up-or-down vote by the committee and full Senate.

A year into the 110th Congress, the Judiciary Committee has held hearings for only four appeals court nominees and has voted on only six. As a result, the full Senate has fallen far short of the confirmation pace necessary to meet the historical average of 17 circuit court confirmations during a president's final two years in office—an average maintained during the Reagan, Bush I, and Clinton presidencies despite opposition control of the Senate.

Instead of seeing progress, the American people are watching judicial nominees stack up in the Judiciary Committee. Ten appeals court nominees—seven of them waiting to fill vacancies declared ''judicial emergencies''—and nearly twenty district court nominees languish in committee. Several nominees have been waiting more than a year and a half.

Given the long delays in the federal courts, the American people are unsympathetic to the claim that certain nominees cannot even get a hearing because of the Judiciary Committee's arcane ''blue slip'' policy. That policy exposes the Senate at its worst and is rightfully perceived as serving senators rather than the public. Consider the senators whose only reason for blocking two circuit court nominees is a decade-old personal grudge, or the senators who can do no better than argue that the nominee they are blocking is so good at his current job that he should be kept there. In the end, responsibility for the resulting delays lies with the Judiciary Committee, because the ''blue slip'' policy exists entirely at the committee's discretion.

Fortunately, the new year presents the Judiciary Committee with the opportunity for a fresh start. If you and your colleagues are willing to eschew partisan politics, focus on your constitutional duty, and treat nominees in a dignified manner, the Senate can meet or come close to the historical average of 17 circuit court confirmations.

Specifically, there are four pending circuit nominees—Robert Conrad, Steve Matthews, Catharina Haynes, and Gene Pratter—who have the support of home state senators, which Chairman Leahy has said is key to approval by the Judiciary Committee. Including D.C. Circuit nominee Peter Keisler, that makes five appeals court nominees for whom there is no excuse for denying them a committee vote. And, given the outstanding qualifications of these five nominees, there is no reason why the committee should fail to report them to the full Senate for a fair up-or-down vote.

Assuming at least two new nominees to the Fourth and Ninth Circuits in the next several months, that leaves seven circuit nominees in addition to the aforementioned five. Even if the Judiciary Committee meets only a very minimal standard by reporting just four of those seven to the full Senate, the Senate will have an opportunity—contingent on Majority Leader Reid scheduling up-or-down votes—to confirm fifteen appeals court nominees in the 110th Congress. Fifteen confirmations would fall short of the historical average, but would match the number of circuit court confirmations in President Clinton's final two years. Anything less and the members of the Judiciary Committee will be remembered for presiding over historic levels of obstruction.

Lest the individual nominees get lost in a discussion of numbers, we want to draw your attention to the truly exceptional qualifications of D.C. Circuit nominee Peter Keisler,

who has inexplicably languished in committee without action since his hearing a year and a half ago. Keisler has been given the American Bar Association's highest rating—''unanimously well-qualified''—and has the enthusiastic support of leading legal scholars and practitioners from across the ideological spectrum, including Yale Law School Dean Anthony Kromnan, Professor Neal Katyal of Georgetown, Professor Akhil Amar of Yale, Carter Phillips of Sidley Austin, former D.C. Bar President George Jones, and several former law clerks of Supreme Court Justices Thurgood Marshall and William Brennan. In addition, both the Washington Post and Los Angeles Times have called for Keisler's confirmation.

This impressive array of supporters surprises no one familiar with Keisler's unmatched credentials. A graduate of Yale Law School, Keisler served as Associate Counsel to President Reagan and clerked for Supreme Court Justice Anthony Kennedy before joining Sidley Austin. At Sidley, he was quickly promoted to partner and argued cases at every level of the federal court system, including the Supreme Court. In 2002, he left Sidley to serve his country at the U.S. Department of Justice, where he was promoted to Assistant Attorney General for the Civil Division a year later. When Attorney General Alberto Gonzales resigned last year, Keisler postponed his plans to leave government service so that he could see the Department and the nation through a difficult transition period as Acting Attorney General.

The least the Judiciary Committee can do to thank Peter for his service to the nation is to report him to the full Senate for an up-or-down vote. There is no rational reason why, after a year and a half of waiting, this exceptional nominee should remain on hold. If his nomination is allowed to die in the Judiciary Committee, it will be a loss to both the federal bench and the reputation of the committee. His confirmation is our highest priority, and it should be yours as well.

President Bush fulfilled his constitutional duty by nominating the men and women who await action in the Judiciary Committee. We respectfully request that you fulfill your responsibility as well, by ensuring that each and every judicial nominee is given a hearing and a vote in committee. If you cannot support a particular nominee, vote him or her out of committee without a positive recommendation, or vote against confirmation on the Senate floor. The full Senate must be allowed to carry out its constitutional duty of advice and consent by providing each nominee with a timely up-or-down confirmation vote, and you should not stand in the way. We ask only that you do your job by putting statesmanship above politics and special interests. The American people expect no less.

We would be happy to speak with you in person about this critical matter.

Respectfully,

Curt Levey, Executive Director, Committee for Justice; James L. Martin, President, 60 Plus Association; Gary L. Bauer, President, American Values; Roger Clegg, President, Center for Equal Opportunity; Jeff Ballabon, President, Center for Jewish Values; Jim Backlin, Vice President for Legislative Affairs, Christian Coalition of America; Paul M. Weyrich, National Chairman, Coalitions for America.

Kay R. Daly, President, Coalition for a Fair Judiciary; Wendy Wright, President, Concerned Women for America; Kent Ostrander, Executive Director, Family Foundation (Kentucky); Tom McClusky, Vice President of Government Affairs, Family Research Council; Brian Burch, President, Fidelis; Tom Minnery, Senior Vice President of Government and Public Policy, Focus on the Family; Ron Shuping, Executive Vice President of Programming, Inspiration Networks.

James Bopp, Jr., General Counsel, James Madison Center for Free Speech; Gary Marx, Executive Director, Wendy E. Long, Counsel, Judicial Confirmation Network; Day Gardner, President, National Black Pro-Life Union; Chris Brown, Executive Vice President, National Federation of Republican Assemblies; Raymond J. LaJeunesse, Jr., Vice President and Legal Director, National Right to Work, Legal Defense Foundation; Linda Chavez, President, One Nation Indivisible; Dr. Randy Brinson, Chairman, Redeem the Vote.

Joyce E. Thomann, President, Republican Women of Anne Arundel County, MD; Dr. Rod D. Martin, Chairman, TheVanguard.Org; Rev. Louis P. Sheldon, Chairman, Traditional Values Coalition; Dr. Keith Wiebe, President, American Association of Christian Schools; Susan A. Carleson, Chairman and CEO, American Civil Rights Union; Donald E. Wildmon, Founder and Chairman, American Family Association; Micah Clark, Executive Director, American Family Association of Indiana.

Rev. John C. Holmes, Ed.D., Director, Government Affairs Association of Christian Schools International; Larry Cirignano, Founder, CatholicVOTE.org; Jeffrey Mazzella, President, Center for Individual Freedom; Samuel B. Casey, Executive Director and CEO, Christian Legal Society; Tom Shields, Chairman, Coalition for Marriage and Family; Professor Victor Williams, Columbus School of Law, Catholic University of America; Karen Testerman, Executive Director, Cornerstone Policy Research.

Ron Pearson, President, Council for America; Brad Miller, Director, Family Policy Council Dept., Focus on the Family Action; Bryan Fischer, Executive Director, Idaho Values Alliance; Curt Smith, President, Indiana Family Institute; J. C. Willke, M.D., President, International Right to Life Federation; Phillip Jauregui, President, Judicial Action Group; Anita Staver, President, Liberty Counsel.

Mr. Kelly Shackelford, Chief Counsel, Liberty Legal Institute; Mathew D. Staver, Dean and Professor of Law, Liberty University School of Law; Dr. Patricia McEwen, Director, Life Coalition International; Bradley Mattes, Executive Director, Life Issues Institute; Steven Ertelt, Editor and CEO, LifeNews.com; Gene Mills, Executive Director, Louisiana Family Forum; Leslee J. Unruh, President and Founder, National Abstinence Clearinghouse.

Steven W. Fitschen, President, National Legal Foundation; Len Deo, Founder and President, New Jersey Family Policy Council; Fr. Frank Pavone, M.E.V., National Director, Priests for Life; David Crowe, Director, Restore America; Dr. William Greene, President, RightMarch.com; Dane vonBreichenruchardt, President, U.S. Bill of Rights Foundation; Al Laws, Jr., CEO, WIN Family Services, Inc.

Mr. HATCH. Mr. President, let me briefly turn from the judicial to the executive branch and, in particular, to the Department of Justice.

My Democratic colleagues have helped drive from office several top Justice Department officials and yet are now slow-walking confirmation of their replacements.

On March 11, the Judiciary Committee held a hearing on the nomination of Grace Chung Becker to be Assistant Attorney General of Civil Rights.

Grace served as a counsel on my staff when I chaired the Judiciary Committee and has been a Deputy Assistant Attorney General in the Civil Rights Division for the past 2 years. She currently heads the division in an acting capacity.

My Judiciary Committee colleagues will remember Grace as a talented, brilliant, and dedicated lawyer, a person of the highest character and integrity—one of the most likable people who ever served on the committee, one who served both sides, I think, graciously and well.

She received her law degree magna cum laude from Georgetown, where she was associate editor of the Georgetown Law Journal. That was after receiving her B.A. magna cum laude from the University of Pennsylvania and her B.S., once again magna cum laude from the Wharton School of Finance.

I think I see a pattern here.

After clerking for judges on the U.S. District Court and the U.S. Court of Appeals in the District of Columbia, Grace spent a year in private practice before entering Government service. For the next decade, Grace served in such positions as Special Assistant U.S. Attorney, Assistant to General Counsel at the U.S. Sentencing Commission, Special Adviser to the Assistant Secretary of the Army, and Associate Deputy General Counsel of the Defense Department.

The PRESIDING OFFICER. The Senator's 15 minutes has expired.

Mr. HATCH. I ask unanimous consent for another 2 minutes.

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

Mr. HATCH. At the Justice Department, Grace has been supervising hundreds of lawyers in cases regarding civil rights, housing discrimination, religious land use, education, and fair lending practices.

Grace is a special person. She is the child of Korean immigrants whose parents and siblings are all entrepreneurs in New York and New Jersey. She and her husband Brian have been married for 14 years and have 2 wonderful children. Grace is living the American dream and making the most of the opportunities she has found in this great country. She is dedicated to making these opportunities available to others.

She has served the community on the board of the Korean American Coalition and on the Fairfax County School Board's Human Rights Advisory Committee.

She has finally had her hearing, but now I hear disturbing reports that she has been given literally hundreds of written questions, many about matters occurring long before her tenure or decisions and policies she had absolutely nothing to do with.

I urge my colleagues to do the right thing, to do our confirmation duty, not only for Grace but also for these qualified judicial nominees as well. I ask my colleagues to do what the American people sent us here to do, and that includes giving timely consideration and up-or-down votes to the President's nominees for the judiciary and the Department of Justice.

Mr. President, I thank my colleague for allowing me the extra 2 minutes, and I yield the floor.

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

Mr. DURBIN. Mr. President, this Senate is an institution which was central to the decision to become a Nation. I have been watching this John Adams documentary on HBO—I recommend it to everybody—talking about the earliest days of America. This great Constitution which guides our Nation almost didn't happen but for a compromise which said that even the smallest States would at least have two Senators, the same as the largest States. On the Senate floor that tradition continued, allowing even minorities, small groups, and even individual Senators certain rights which are not afforded to those across the Rotunda in the House of Representatives.

One of these is a filibuster where Senators can take to the floor and can hold the floor, objecting to what is going on. It takes an extraordinary vote—a large vote, more than a majority in the Senate—to take the floor back from that single Senator or group of Senators and to proceed with business. These filibusters have stopped what are so-called ''cloture motions,'' closing down the debate and moving on with business. It takes 60 votes for a cloture vote. In other words, 60 Senators have to agree to stop a filibuster and move forward.

In the history of the Senate, the record number of filibusters for any 2-year period of time has been 62—62 filibusters in a 2-year period. Last year, the Republican minority broke that record, smashed that record by initiating 62 filibusters in 1 year. Sixty-two times the Republican minority stopped our efforts on the floor of the Senate to move forward to try to change things in America—62 times.

The Republican Party is known as the Grand Old Party—the GOP. It turns out that when it comes to Senate Republicans, GOP stands for Graveyard Of Progress. That is what they are trying to make the Senate.

On February 28 we brought up a measure here to deal with America's housing crisis. Is it a serious issue? Is it something the Senate should take the time away from our wonderful patriotic speeches and try to address? I think it is. More than 2 million Americans face foreclosure. In my home State of Illinois, we are facing record numbers of foreclosures. In States such as Nevada and California and all over the United States, foreclosures are at record numbers on mortgages of homes.

Is it an important issue for more than 2 million families? It is. Because when a home goes into a foreclosure and is sold at lower than fair market value, it affects the value of the homes in the neighborhood. So when they ask you: What is the value of your home, Senator DURBIN, in Springfield, IL, you say: Well, let's look and see some of the recent sales in his neighborhood—comparable values, as they call them. If, around the block, one of my neighbors has lost a home in foreclosure, that has a negative impact on the value of my home. So 2 million mortgage foreclosures have a ripple effect across the housing economy and diminish the value of 44 million homes, 22 homes for every home in foreclosure. One says: Well, 44 million homes in a nation of 300 million people, it is still not that big a deal, is it? It is. Forty-four million private residences reflect one-third of all of the private residences owned in America. Two million mortgage foreclosures and one out of three homeowners who dutifully make their mortgage payments every single month without a problem see the value of their home go down. In fact, we are seeing a rising number of people in America holding a mortgage on their home at a value that is higher than the actual value of their home. They are under water, as we say. They have a debt, a mortgage, which is greater than the value of their home.

This has an impact on our overall economy. Over 70 percent of the people in America today, when asked if they will buy a home, say no. You say: Is that because you can't find a mortgage for your home? They say: No, I can find a mortgage. I just don't think it is a good investment.

Think about that statement. For as long as I have been around, a home was always your best investment. I can remember when my wife and I stretched and squeezed and sacrificed to get our first home, how proud we were. We weren't sure we could make those monthly payments. It was a stretch to do it. But we knew it was the right thing for our kids, for our family, for our neighborhood, and for ourselves, because a home is going to go up in value. At least that was the theory until recently. Now homes are going down in value and people are not buying. Homes sit vacant, not only foreclosed homes but other homes where people are trying to sell them to move on to a different location or to a better place. You see the signs all over America: For Sale, For Sale. It is a reminder that the housing crisis which brought us into this recession is still very much an issue today.

On February 28, the Democratic majority said to our friends on the Republican side: Let us act as Senators. Let us deal with an issue that has relevance to today's economy and to families all over the Nation. We have a plan. We have a proposal, a housing stimulus package, with four or five key points in it which I will mention in a moment. We want to bring that bill to the floor and we want our friends on the Republican side—and even Democratic Senators if they wish—to offer amendments about housing so their best ideas can be considered.

What I have described sounds dangerously like the tradition of a deliberative body such as the Senate; we would actually take an important American issue, bring it to the floor, debate it, open it to amendment, do our best to come up with something that will pass, match what the folks do in the House of Representatives, and maybe end up with a law—a law that can strengthen our economy. That is the normal way we do business—or at least normal until this Republican minority came to power.

What happened on February 28? Well, we needed about nine Republicans to join the Democrats so we could move forward in the debate. Only one stepped up, so we didn't have enough votes. So the housing stimulus package died on February 28. The Republican minority refused to even debate it. They wouldn't even bring it up on the floor. Nothing was going to stop them from offering relevant amendments to this housing package. They didn't even want to have an opportunity to offer those amendments. They didn't want the debate.

I think I know why. They are doing their best to make sure that this Congress, under the Democrats, ends up in the same position as the previous Congress, under Republicans, of doing nothing about the issues that count for America.

But we are not giving up. We are coming back today. In about 20 minutes we will break for lunch and after that, we will come back for a vote on the floor and we will try to return to this housing stimulus package. We will give the Republicans a chance to join us. I say to my friends on the Republican side who may be watching this on C–SPAN in their offices or other places: Don't be afraid of a debate. Don't be afraid of amendments. Isn't that why we ran for office, to address the important issues facing America, to debate the merits of a good idea or a bad idea, and to take a vote to be on record. If we are going to run away from an issue as central to the economy as the housing crisis, we are becoming irrelevant. It is little wonder that the approval rating of Congress is as low as it is when the Republicans continue to filibuster, continue to stop us from even debating something as critical as the housing crisis facing America.

So what does the bill do? The basic bill we are talking about here does several things in an attempt to reduce foreclosures. One of the first is to make an investment in more counselors. It has to be a scary moment when you receive that letter after you have missed your mortgage payment that says you

are now in default. You are facing foreclosure. We can take your home away from you. Some people go through a period of denial. They won't look at the mail. They won't answer the phone. They hope it will all go away. But it won't. It gets worse. Others wisely say: I need to talk to somebody. How did I get into this mess? How can I get out of this mess? The people available to talk to them are counselors who sit down and say: OK, don't panic. Do you have an income? How are you doing otherwise? Do you have a lot of debt? Maybe we can call the bank. Maybe we can find a way to change the terms of your mortgage so you can stay there.

These counselors are valuable. In fact, they are invaluable to deal with this mortgage foreclosure crisis. So one of the first things we do is to put more funds into counseling so there are people available to help those facing mortgage foreclosures.

We expand refinancing opportunities so that if you can't make it on your old mortgage—let's say you have what is called an ARM, an adjustable rate mortgage, and let's say it has hit its reset point—1 year, 3 years, 5 years—and now you have a new interest rate and your monthly payment shot up so high you can't make it. So what are you going to do? Well, in this bill we set up some refinancing opportunities across the Nation so that people who have an income, who are responsible, who want to keep their homes, have a chance.

We also provide to communities funds through the Community Development Block Grant Program to purchase foreclosed properties. People ought to see what I have seen repeatedly on the west side of Chicago, over by the United Center where the Chicago Bulls play basketball. There is a great little area on the west side just getting a start that has been rebuilding neighborhoods that have been kind of beaten up for a long time with nice homes. Smack dab in the middle of these nice homes is this boarded-up home, with trash in what used to be a nice front yard. It looks awful. Right next door to it live two families who clearly care about their homes, and there sits that foreclosed home smack dab in the middle. It is up for auction. When it goes up for auction, it is not likely to even get fair market value, and it is going to hurt the value of all of the other homes in the neighborhood.

One of the things we try to do is offer communities some funds to step in on foreclosures before that house is abandoned and run down in value and hurts the whole community. We also expand a carryback period for businesses, particularly to help those in the housing industry who have had a rough go of it kind of weather the storm so they can survive.

JACK REED of Rhode Island, my colleague, passed the Truth In Lending disclosure requirement for real estate closings.

If you have ever sat through a real estate closing, you know there are a stack of papers like this, and they turn the pages and say: Keep signing. And in 20 minutes you walk out the door and say: What the heck did I just sign? Senator JACK REED wants to have a cover sheet that has the basics on it so everybody initials it and signs it so they know their interest rate, what the term of the loan is, how much they are borrowing, if the interest rate can change, what the monthly payment is, what it could be—the high and low points—and is there a penalty for prepayment—basic things, so they don't walk out in a mystery as to what they just signed.

Then there is a provision I have in there which the mortgage bankers hate like the devil hates holy water. Why do mortgage bankers hate this provision? First, let me introduce you to this group. The mortgage bankers were the industry that brought us this mess of subprime mortgages.

They were the ones who started peddling mortgages that made no sense, convincing people who were caught off guard, or deceived, saying: Oh, of course you can afford this home; these are interest-only payments. Don't worry about it. Just look at the monthly payment, don't worry about it. And, listen, when it is supposed to reset and the payment goes up, you come back to me and I will refinance it. You know these homes will keep going up in value forever.

A lot of unsuspecting people signed on to these mortgages. Some of them were elderly, and most of them were without advanced degrees in finance, and some were duped into this by come-on deception advertising. But the fact is, they signed on for the so-called subprime mortgages.

Well, those are the folks who are going through trouble now. There are about 2.2 million of them. About one-third of them will end up in Bankruptcy Court. They will go into chapter 11 where you walk in and say to the judge: I am making an income, I am not out of work, but I have all these debts. Under chapter 11, the bankruptcy judge can start restructuring your debts, try to find a way through the mess so that at the end of the day you can get it back together again. About one-third of the people facing foreclosure will be in that position.

Now, let's assume you walk into that bankruptcy court and you have a number of things you own. I will give you some examples; some are unusual. You own your home, you own a ranch, a vacation condo, and you own a yacht. I know most people don't own yachts, but let's use this example. Maybe it is just a big boat. What can that bankruptcy judge do when it comes to what you owe? Well, he can take your ranch and modify the terms of the mortgage. He can take your vacation condo in Florida and modify the terms of the mortgage. He can take your yacht, or big boat, and modify the terms of what you owe on your yacht.

What about your home? No way. The law says the bankruptcy court cannot modify the terms of your mortgage on your home. It is prohibited by law. What is that all about? This is a graphic illustration of a yacht—and I don't know any Senator who owns one. But here is a yacht and here is a home. The bankruptcy court can renegotiate the terms for the yacht but not for the home. My bill says you will have a chance to renegotiate the terms of your home, but there are strict limitations.

First, this doesn't apply to everybody. You have to have an existing mortgage, not anything that you could enter into at a future date. Second, it has to be a home, not a property you bought for speculation. Third, you have to qualify to go into bankruptcy court. Fourth, when they modify the mortgage, they cannot lower the principal below the fair market value of the home. Many foreclosure proceedings don't end up at fair market value. Fifth, the interest rate they can impose on the new mortgage cannot be anything less than the prime rate, plus a premium for risk. Sixth, if the home you have refinanced goes up in value in the next 5 years, the bank, the lender, gets the increase in value. You are protecting the lender on both ends—no lower than fair market value and any increase in value goes to the lender.

Now, the mortgage bankers, God bless them, say this is the end of Western civilization as we know it. If these people are able to stay in their home under these circumstances, interest rates will go up all across the country. The Georgetown Law Center said this:

> Taken as a whole, our analysis of the current historical data suggests that permitting bankruptcy modification of mortgages would have no or little impact on mortgage markets.

I have talked to these bankers. This doesn't make sense. Unregulated, unsupervised, without oversight, they dragged us into this mortgage crisis with millions of people and their homes on the line, and our economy is teetering on recession, the values of homes across America are in peril, and now they will not even allow us to help these families who will end up in bankruptcy court.

I would like to have a vote on that. I would like to ask my friends on the Republican side of the aisle to, at 2:15 or 2:30, have a vote on this issue. If you don't want to fight fires, don't be a firefighter. If you don't want to cast a vote on an important issue in America today, don't run for the Senate. If you want to be in the Senate and be part of this national debate, for goodness sakes, vote to proceed to this bill. Let's not litter this graveyard of filibusters with this important housing stimulus bill.

I urge my colleagues to vote for the motion to proceed.

I yield the floor.

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

Mr. REED. Mr. President, let me first recognize the contribution of my colleague from Illinois with respect to the bankruptcy provision. He explained it extremely well. What it does is give homeowners a chance to get out from underneath a collapsing housing market in the United States. It has been well tailored and it is responsible and I think we should adopt it quickly in this package that is going forward.

The whole housing crisis is a reflection of a much deeper economic malaise that is gripping the country. We are seeing skyrocketing prices in terms of energy and foodstuffs. On the recess I visited two Italian bakeries in Rhode Island. They have been family-owned companies for over 100 years, and they have never seen the runup in prices of wheat they have seen over the last several weeks and months.

The final thing is that we are losing jobs now. In the last 2 months, we have lost many jobs. We lost 63,000 jobs last month. That is the largest monthly decline in jobs in 5 years. The national unemployment rate is 4.8. In Rhode Island it is 5.8 percent. We are seeing an economy sliding into recession. Key to this, in my view, to reconcile and try to stop the erosion of economic opportunity in this country is to stabilize the housing market. That is what the package of proposals that we will vote on this afternoon attempts to do.

We have a situation in this country where incomes have been flat for the last 8 years for most Americans—unless you were extraordinarily compensated at the highest levels. But if you are a working man or woman, low income, middle income, or even upper middle income, your income has been relatively flat. You have seen accelerated costs. The last thing people had in their tool kit, if you will, was the value of their homes. They could draw on that in emergencies and use it to help children go to college. They could use it if there was an unexpected expense.

Now, with declining housing values, American families are being squeezed dramatically—job losses, increasing prices, flat incomes, and now declining housing values. In fact, it has been estimated that today in the United States the value of homes fell below 50 percent of equity—the ratio of equity fell below 50 percent for the first time in a long time.

We are also looking at a situation where there is a record number of foreclosures. Just this morning, coming into work and listening to the radio, I heard in Montgomery County, MD, there is a huge acceleration of foreclosures in that suburb. It is also happening across the country. In the Providence Journal in Rhode Island, there used to be maybe two, three pages of foreclosures on a high number. Now there is a whole section devoted to foreclosures.

This is becoming a problem not just for individual households but for communities because the value of a foreclosed home brings down the value of the surrounding homes. It is a cascading effect. It ruins communities as well as impairs the credit and lives and the opportunities of individual families. We have to do much more to stem this decline, particularly with respect to housing values.

Yesterday, I noted that Secretary Paulson announced significant steps, he proclaimed, to begin to revise the regulation of financial institutions, and part of it is prompted by the subprime mortgage crisis, the securitization of these loans. There is nothing in his blueprint that dealt with the most important aspect of the problem, and that is home values. The administration has been very keen and quick to help Wall Street. The reality is we have to help Main Street, individual homeowners across this country. If we do I think that will provide a surge of confidence to the economy, which is the key factor in beginning a recovery from what looks like the beginning of a recession, and perhaps a long recession, unless we act promptly.

I have joined my colleagues to introduce this legislation, the Foreclosure Prevention Act of 2008, which builds on the economic stimulus package. It is a complement to it. I hope we can move today, despite previous opposition by my colleagues on the Republican side, to take up this legislation and begin the debate and modify it, if necessary, but move forward deliberately and quickly to address the issue of housing in the United States.

This legislation, if enacted, would help families keep their homes by providing counseling for foreclosures, by expanding refinancing opportunities, and by getting the services and the counselors together to attempt to allow people to stay in their homes. One aspect of this, as mentioned by my colleague from Illinois, is the Bankruptcy Code modification that would allow these residences to be subject to a bankruptcy judge's determination of a different workout plan for the home. It also helps communities withstand the impact of foreclosures, as there is a cascading effect. If one home is foreclosed, the value of other homes begins to decline automatically. This would provide community development block grants to cities to purchase some of these homes. We have to move quickly because one of the other aspects is when these homes in urban areas are empty for a matter of weeks, or even, in some cases days, they are stripped—the siding is ripped off, or the copper plumbing is taken out. Unless there is someone to go in there and keep it in use or to board it up and protect it, then these homes are going to be a loss not just temporarily but for a longer term.

This is going to help businesses by expanding the carry-back period from 2 to 5 years to utilize losses incurred in 2006 and 2007 and 2008. It is going to help, I hope, avoid foreclosure in the future. It will deal with the issue of clear disclosure of a maximum amount of a loan and maximum monthly payment legislation that I authored. This will give a bumper sticker or a big warning label on a mortgage to individual borrowers and tell them the maximum amount of money they have liability for. So the introductory teaser rate of $1,000 a month might be attractive, but if people realize that within a year or 2 years they will be paying two or three times that, it will give them the information they need to make a better judgment about signing up for that loan.

So this legislation is critical to families, and it is particularly critical, I think, to ensure that we begin to work our way out of the looming recession and an economy that is deeply troubled. I hope all my colleagues will vote to go forward with this measure and, I hope, pass this measure.

I yield the floor.

RECESS

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

Thereupon, The Senate, at 12:29 p.m., recessed and reassembled at 2:15 p.m. when called to order by the Presiding Officer (Mr. CARPER).

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

NEW DIRECTION FOR ENERGY INDEPENDENCE, NATIONAL SECURITY, AND CONSUMER PROTECTION ACT AND THE RENEWABLE ENERGY AND ENERGY CONSERVATION TAX ACT OF 2007—MOTION TO PROCEED

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the motion to reconsider the vote by which cloture was not invoked on the motion to proceed to H.R. 3221. The motion to reconsider is agreed to, and there will now be 15 minutes of debate equally divided prior to a vote on cloture on the motion to proceed to H.R. 3221, with the majority leader controlling the second half of that time.

The Republican leader.

Mr. MCCONNELL. Mr. President, the majority leader and I have had good conversations this morning, and a few moments ago, we reached an agreement on how to go forward on the housing bill. That agreement is as follows: that Senator DODD, the chairman

of the Banking Committee, and Senator SHELBY, the ranking member, would come together after we invoke cloture on the motion to proceed and come up with a bipartisan substitute to be offered as an amendment to the bill upon which we are about to invoke cloture to proceed. That would be the underlying bill that would enjoy the confidence and support of the two leaders of the Banking Committee.

Most of my conference is very comfortable with that proposal. We understand fully there will be amendments after that, but that will at least give us an opportunity to get off on a bipartisan footing, reminiscent of the good work we were able to do earlier this year not only on the foreign intelligence surveillance bill but also on the economic stimulus package where we were able to come together and, by significant bipartisan majorities, pass the legislation.

We all know we have problems with housing in this country. Most of us believe we need to enact legislation to try to improve this situation. Many of these proposals are supported by people on both sides of the aisle. So this would give us a chance to begin in a way that is comforting to both sides before we open the process to amendments.

The majority leader has also assured me he has no intention of filling up the tree or employing any of the other techniques the majority is certainly free to do but which have a way of locking down the process on the minority side.

This has been a very good discussion, leading up to a process by which I think we can go forward and hopefully get something important for the country—I see my good friend, the leader of the Banking Committee, on the floor—get something important for the country accomplished in the Senate this week.

I thank the majority leader for his approach to this issue. I think it is entirely appropriate and gives us a good opportunity to move forward.

I yield the floor.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, the smoke is housing crisis foreclosures. The fire is the general economy because the housing crisis has caused the economy to be in a state of distress.

The chairman of the Banking Committee, Senator DODD, made such an outstanding presentation this morning where he talked about almost 8,000 homes every day—today, tomorrow, and the foreseeable future—will be foreclosed upon, not the beginning process of foreclosure, but the termination of foreclosure. Someone by the name of Jones, Smith—whatever their name might be—will lose their home, a family home.

What does that do to the neighborhood? Every time there is a home foreclosed upon, it immediately causes the rest of the neighborhood to be worth less money. What does it do to the government entity where that home is located? The government entity loses the ability to get tax money. No one benefits from foreclosures.

This is a step in the right direction. In Nevada, for example, 1 out of every 165 homes was in foreclosure in February. Can you imagine that, 1 out of every 165 homes. That is the highest rate in Nevada. We are fortunate we have a lot of construction that is not housing related that is going to pull us through this situation. It is important that we move forward on this legislation.

The underlying bill is a so-called Democratic bill. This bill, if we are able to accomplish something, will be a Senate bill. Democrats and Republicans can go home and take credit for doing something to help the problem.

Are we going to be able to resolve all the problems in housing? Of course not. But we can make a tremendous step forward, and that is what we intend to do.

I have worked with Senator SHELBY from the time we were in the House together. We shared office space. His office in the Longworth Building was next to mine. I have the highest regard for him. I spoke with him this morning. I believe he and the chairman of the committee, Senator DODD, are going to be able to come up with something that I hope I can support, but it is going to be bipartisan. They are going to agree on this and offer it as the first amendment when we get to this legislation. If something goes wrong, if someone is being mischievous about that legislation, Senator MCCONNELL and I will meet again.

The goal is to do something about housing. We are not going to solve the problems of Iraq on this bill. We are not going to solve the tax policy of this country on this bill. We are not going to solve global warming on this housing bill. But we need to do something the American people recognize is bipartisan as it relates to housing, and we are going to do everything we can.

I believe the time has come for us to start legislating and stop talking about the need to legislate.

Mr. President, a vote has been called for 2:30. If there is someone else who wishes to speak, they certainly have the opportunity for the next few minutes.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, I thank the distinguished majority leader and the Republican leader, as well, for their efforts. I thank Senator SHELBY, who is not here. We will do our very best over the next number of hours to pull together a package that reflects——

Mr. REID. Will my friend yield?

Mr. DODD. Yes.

Mr. REID. One of the points I did not talk about with the distinguished leader is that I think it would be appropriate that we, after the vote is completed, go into a period for morning business until 12 o'clock noon tomorrow to see, if, in fact, we can get the two distinguished Senators to come up with a substitute. We need some deadline. That is as good as any, unless my friend has a better time tomorrow.

Mr. MCCONNELL. Mr. President, I say to the majority leader, that makes sense. I am convinced we are all operating on good faith and Senator SHELBY and Senator DODD will work hard to come up with a proposal they will come forward with.

Mr. REID. During this afternoon and in the morning, people can talk about housing or anything else they want. We will be in a period for morning business.

Mr. DODD. Mr. President, I thank the leaders. That will be our goal and job, to begin that process immediately. We will keep the leadership informed as it progresses. We all thank the two leaders immensely. I thank Senator REID for his efforts going back months ago. This is a problem that is growing by the hour. It demands our attention. This is the contagion effect we read about now spreading far beyond the housing issue, per se. It is now leaching into all aspects of our economy. It has even gone beyond our shores, obviously, to other nations that are deeply affected by what happens here economically. This is a moment when we have to come together as a body and come up with some responsible answers.

I will say in advance that none of us can say with any certainty that which we offer will solve the problem, but I think we bear an obligation to try, to do one thing that is more important than any specific idea we proposed, and that is help restore the confidence of the American people and those directly involved in the financial well-being of our Nation and that is to restore confidence, which is missing; we need to get that confidence back. The very fact our leaders have called upon us to pull together is going to be a confidence-building measure. It will be complemented by what we do, but it begins with the offer made by the distinguished majority leader, accepted by the Republican leader, that we sit down and try to work this situation out.

I can tell you in advance that the American people will react favorably to this effort, and hopefully we will offer a product that will complement that effort but beginning with the idea we will work on this problem together. That I commend the majority leader for. I thank the Republican leader as well.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

CLOTURE MOTION

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

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to Calendar No. 340, H.R. 3221.

Harry Reid, John D. Rockefeller, IV, Russell D. Feingold, Max Baucus, Charles E. Schumer, Kent Conrad, Patty Murray, Amy Klobuchar, Jeff Bingaman, Richard Durbin, Mark L. Pryor, Carl Levin, Edward M. Kennedy, Patrick J. Leahy, Bernard Sanders, Debbie Stabenow, Byron L. Dorgan.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call is waived.

The question is, Is it the sense of the Senate that debate on the motion to proceed to H.R. 3221, an act moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from New York (Mrs. CLINTON), the Senator from Hawaii (Mr. INOUYE), the Senator from New Jersey (Mr. LAUTENBERG), 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 yeas and nays resulted—yeas 94, nays 1, as follows:

[Rollcall Vote No. 86 Leg.]

YEAS—94

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

NAYS—1

Bunning

NOT VOTING—5

Clinton	Lautenberg	Obama
Inouye	McCain	

The PRESIDING OFFICER. Upon reconsideration, on this vote the yeas are 94, the nays are 1. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. CARPER. Mr. President, we have just concluded a 2-week recess. We have come back to the Capitol, rested and prepared to get to work on the Nation's business. At the top of the list for most people, at least based on what I heard in my State and likely what Senators have heard from coast to coast, is the desire for us to get to work on the economy. There are other concerns—the war in Iraq, the cost of health care, the list goes on—but at the top of the list is the economy, harking back to the Clinton campaign in 1992: ''It is the economy, stupid.'' It has been for a long time, and it certainly is again today.

During the time I spent in Delaware, I visited a lot of places, including a number of schools. One of the questions a group of young people asked me was, what did I like most about my job. There are a number of things I enjoy about serving in the Senate. I love helping people. We have the opportunity to do that through constituent services and other ways every day. That is a source of great satisfaction. I know it is to the Presiding Officer and others of our colleagues. Among the other things that bring me great joy is from time to time we are able to take folks who have different views on a particular issue and actually pull them together to work as one, to develop consensus around issues.

We need to develop a consensus on a path forward with respect to the housing situation, the meltdown we have seen, especially with subprime mortgages and the threat that meltdown poses to binding together, tightening up and bringing to a halt the flow of money through our economy, through the banking system.

I am encouraged by the vote we just had where 94 Senators voted to proceed to the housing bill. Our Democratic leadership has pulled back and said: We will not try to push forward with five or six actually very constructive elements in an earlier version of our proposal but provide time for Senator DODD and Senator SHELBY to work with others on the Banking Committee and other colleagues who are not on the committee to put together a broader consensus that builds on the package we voted not to proceed to 2 weeks ago. We can do those but more as well.

Let me express my hope that the elements of the package Senators DODD and SHELBY bring back to us include the ability for housing authorities to issue revenue bonds, the proceeds of which could be used to help folks refinance their mortgages, people in danger of losing their homes. I am not interested in rewarding bad behavior, in rewarding investors or bankers who made bad decisions or, frankly, individual borrowers who made decisions that were inappropriate or wrong, where they misrepresented their financial standing. I don't think we want to reward bad behavior. But there are a lot of people in danger. We have some 8,000 people who will have their homes foreclosed on today, tomorrow, the next day, and the next. That is a clear signal to me we need to do something.

We can do some things that will make a difference without breaking the Treasury. Let me mention a couple elements of what I hope will be in the housing package that we might bring back to the floor. One of those is FHA modernization. Some people recall 75 years ago the Federal Housing Administration was established.

People wonder where the 30-year fixed rate mortgage came from. It came from FHA. A lot of people own a home today because their loan was guaranteed by the FHA. My first home loan was guaranteed by the VA for the house I bought when I came back from Southeast Asia at the end of the Vietnam war. Not even 10 years ago, but 5, 10 years ago, almost 20 percent of the people in this country got a mortgage that was guaranteed by the FHA. As recently as last year, that number is down to 5 percent. The FHA oftentimes has helped to insure mortgages of people who have a questionable credit rating, people who were maybe a first-time home buyer for whom a lot of banks were reluctant to provide a mortgage without the guarantee that maybe an FHA or a VA would offer. But FHA-guaranteed mortgages dropped from almost 20 percent of all mortgages a half dozen or more years ago, down to about 5 percent today.

The drop between 20 percent or whatever it is down to 5 percent reflects the number of people who used to go to FHA for help, who today or in recent months and years have instead taken advantage of these adjustable rate mortgages that have low teaser introductory rates that reset after a couple years, that have a clause in them that makes it difficult, if not impossible, or at least very expensive, to refinance the mortgage. Those people are stuck.

There are a couple of million of them who have been stuck with adjustable rate mortgages, high teaser rates that are going up, and finding it difficult to get out of that situation. For those folks who have been in that situation, maybe people with somewhat marginal credit, people who are first-time home buyers, I don't want them to look for adjustable rate mortgages for salvation. I want them to see the FHA as relevant in their lives.

What we need to do is bring the FHA into the 21st century to make it relevant to today's borrowers' needs.

Senators DODD and SHELBY have been working with Representatives FRANK and BAUCUS on legislation we passed in the Senate. The House has passed FHA modernization legislation. I think they are close to consensus. My hope is we can find consensus. And when we take up later this week, hopefully, a bipartisan housing recovery bill, a centerpiece of that will be FHA modernization. We ought to do that. It is something we all agree on, Democrats and Republicans, the President, and, frankly, a lot of people around the country, borrowers and lenders too.

The second piece that ought to be in this package will be the authorization that we would provide for housing authorities throughout the country to issue mortgage revenue bonds, tax exempt revenue bonds, the proceeds of which could be not only used for first-time home buyers, not just for multifamily housing, affordable housing, but also could be used to provide moneys to help people refinance their mortgage, people in some jeopardy. The administration supports that idea. Secretary Paulson testified before our committee in favor of that idea. It is part of the Democratic package that we sought to bring to the floor 2 weeks ago. It ought to be part of the consensus package that we will take up later this week.

There are any number of other good ideas that hopefully will be part of the package. Senator JACK REED from Rhode Island has a very good idea that seems to be acceptable on a lot of fronts, to provide for greater transparency for borrowers as people go to the credit markets to look for mortgages, to make sure they know what they are getting and get a good deal, a fair deal.

Senator MARTINEZ and Senator FEINSTEIN have a proposal. I believe it is one that deals with the appraisals, to make sure the appraisals that back up the homes that are being bought or sold are actually real and not just an appraisal put together, pulled out of thin air because somebody drove by a house and slapped a value on it by looking at it through a windshield.

I think Senator MARTINEZ has another good idea with respect to licensing mortgage brokers. It may not be perfect and is something that can be worked on further, but something along those lines should be part of this package.

Senator ISAKSON has an idea and is actually something I think was done maybe when President Ford was President. Senator ISAKSON's idea is if you have a home—let's say all 100 desks in the Senate Chamber are all homes. There is one for each Senator. Maybe this home right here is in foreclosure, and it is blighting the value of this home and that home and those homes all around it. The folks in this neighborhood would love to have somebody come and live in this home, somebody who is going to take care of that property and maintain that property but also help to maintain the value of the other properties.

What Senator ISAKSON does is provide a tax credit—I think he is saying $5,000 per year—for somebody who comes in and not just buys that home but lives in that home as the owner and the occupier. To the extent they do that, they get a $5,000 tax credit. He suggested we do that over 3 years, which would mean $15,000 for 3 years. That could be pretty expensive. I have suggested to him we try to find a way to bring down the cost of his proposal. My hope is we can do that and include that in the final bill we come up with.

Another idea that has merit is to increase somewhat the appropriation for community development block grants and to say to State and local governments they can use some of the proceeds from this money to take a home that is in foreclosure and do something to prepare it to be sold and to restore the value of that home and to restore the vitality of the neighborhood in which it is now decaying.

In short, there is no shortage of good ideas. Some of them are authored by Democrats and offered by Democrats, and in some cases they are authored and offered by our Republican colleagues. In some cases they are ideas that enjoy bipartisan support. At the end of the day, together they fashion a pretty good package that will help make a real difference, and a difference in not a couple years but literally in a couple of months.

The last thing I would say is, one of the more controversial provisions in the package that came to us actually last month from our Democratic leaders is a provision dealing with bankruptcy and would extend to bankruptcy judges the ability to go in and not only adjust interest rates on mortgages for homes that are in foreclosure or about to go into foreclosure but also to adjust the amount of the mortgage itself.

That has caused a lot of concern about the chilling effect it may have on interest rates for primary homes in the future. I give Senator DURBIN credit. He has tried to amend his earlier proposal to address the concerns—the legitimate concerns—that have been raised. I think he has acted in good faith. I know Senator SPECTER has a little different proposal on this approach. I think Senator DODD has been working along with Representative FRANK over in the House on kind of a variation of an earlier idea suggested, I think, by the head of the Office of Thrift Supervision—the folks who supervise the savings and loan industry—to try to make sure we address the issue of a homeowner whose home is not in foreclosure but whose mortgage is underwater.

I will give you an example. You have a home that has been bought for $200,000. Today the home is worth $160,000, and the person who owns the home is thinking about literally walking away from their mortgage, walking away from their home. You can do that today for about $1,000, I am told, working through a company that will help you walk away from your home mortgage. The person who walks away becomes a renter, and the obligation they have to continue to have to pay the mortgage goes away. You end up with a home that is in foreclosure. The banks do not want to be stuck with those properties. The folks in the neighborhood of the home being foreclosed on do not want that to happen in their neighborhood.

I think Senator DODD and Representative FRANK have a very constructive idea—not a perfect idea but a good idea—that can go forth. It requires some sacrifice on the part of the lenders. It requires some sacrifice and give on the part of the borrowers. But it also leaves them a home in the end, at least, where they still have a little bit of equity and a good reason not to walk away from their home, triggering a foreclosure.

The last thing I will mention—this is an idea that is not new, but we have been hearing testimony about this for a couple years—we have three major Government-sponsored enterprises, not counting Ginne Mae, but three major Government-sponsored enterprises whose job it is to help raise money and to provide liquidity and safety for the housing market in this country. One is Fannie Mae, another is Freddie Mac, and the third is a little bit different kind of an animal called Federal home loan banks. There are about 12 of those throughout our country.

The way we buy homes has changed a whole lot over the years. When I bought my first home in Delaware, I went to a bank. They agreed to make the mortgage. I borrowed the money. I think it was about $40,000. They borrowed the money and they held my mortgage. They held my mortgage, and every month they would send me a statement, and I would send them a check to make my payment. They held the mortgage for years and years and years.

It does not work that way anymore. Today you go to your local thrift or bank, and they make a mortgage to help a person buy a home, and the bank may decide to hold the mortgage. They may decide to service the mortgage. But in most cases, they don't. In a lot of cases they turn around and they sell the mortgage to Fannie Mae or Freddie Mac. Fannie Mae and Freddie Mac are huge financial institutions. They package these home mortgages together

from all kinds of financial institutions that originally made the mortgages from across the country, and they put them together into investments called mortgage-backed securities, and those mortgage-backed securities are sold to investors all over this country and all over the world.

The problem with the mortgage-backed securities is when you have a drop in home values, you have a problem with homeowners, borrowers not making their mortgage payments. When you have a problem with the underlying homes that make up these mortgage-backed securities going into foreclosure and mortgage payments not being collected, the value of those mortgage-backed securities drops. The companies, the investors who are holding those mortgage-backed securities are getting into trouble, and we have a situation where liquidity in our banking system begins to dry up.

When the liquidity in the banking system dries up, two things can help start a recession. One of those is that when people think we are going into a recession, it can be a self-fulfilling prophecy because people stop spending money. They stop spending money and, lo and behold, we have a recession. Another way we have recessions is that the banking system stops working. They stop making loans. Liquidity is sort of like the blood in our veins. The liquidity goes away in our financial systems and our economy. That is part of what we face today.

The two entities that do the most in terms of trying to make sure we continue to have liquidity in our banking system are Fannie Mae and Freddie Mac when they buy these mortgages from banks that have made mortgages to individual borrowers. Then they package these mortgages. Sometimes they sell them around the world. Sometimes they hold those mortgage-backed securities in their own portfolio. In some cases, the folks at Fannie Mae or Freddie Mac, I guess, actually hold individual mortgages for a while. They do some of that as well.

The problem with Fannie Mae and Freddie Mac is, they have run into trouble in the last couple years because they do not have a very strong regulator. They do not have a strong, independent regulator. We have held many hearings for a couple years trying to figure out how we provide a strong, independent regulator and at the same time make sure Fannie Mae and Freddie Mac do not repeat the sins and mistakes of their past few years. How do we do that in a way and at the same time create an affordable housing fund much as we have with the Federal home loan banks?

My hope is—if not in this package that is, hopefully, going to emerge from these discussions in the next day or two—in the next week or two, maybe month or so, the Banking Committee can move together and report out a consensus package on regulatory reform to provide a strong, independent regulator for Fannie Mae, Freddie Mac, and the Federal home loan banks. That would be another good thing for our country and for those of us who want to buy homes and sell homes.

Let me close with this: Going back to the beginning of the year, as our economy started to slip into what may be a recession—and we will find out in another quarter or so if it really has been a recession—as we began to slip, the Federal Reserve, actually starting last fall, began to use its monetary powers, first of all, to lower the Federal funds rate—the rate at which banks charge one another for lending money between themselves at the end of every day—they started lowering the Federal funds rate rather dramatically—in fact, more dramatically than I have ever seen in my life.

The Federal Reserve has made it possible to encourage more banks, more financial institutions, regular financial institutions, and even investment banks to come to the discount window to borrow money to meet their problems. The Federal Reserve has gone so far as to even help make possible for JPMorgan Chase to come in and take over Bear Stearns so it would not collapse into bankruptcy and trigger maybe an even worse situation.

While the shareholders of Bear Stearns have taken a shellacking—I think they ended up getting about $2 per share for their stock; Bear Stearns' stock had been valued at over $100 not long ago—the shareholders took a loss, but at least it did not cause sort of a domino effect in a failure of our financial system. The Federal Reserve has been involved in that.

The Federal Reserve has been willing to take from financial institutions their mortgage-backed securities and replace them with Treasury securities to put some liquidity back into the banking system. The Federal Reserve has been terrific. It has been very helpful in terms of putting liquidity back into the system but also raising the confidence of consumers, the confidence of our constituents, and us too. So that is one that has happened.

The second thing we have done, Congress and the President working together, is we have agreed, about 2 months ago, upon a stimulus package. Is the stimulus package one I would have written or maybe the Presiding Officer would have written? Probably not. But on balance, it does more good than bad, and we expect to see a boost in our gross domestic product in the second half of this year of maybe 1, 1.5 percentage points. That is going to be a nice lift to the economy as we struggle to either shorten a recession or to abridge one altogether.

The third piece that is still waiting to be done—after the Federal Reserve has acted in the variety of ways I just described—after the effect of this stimulus package begins to kick in, the third thing that needs to be done is we need to take up and develop and pass and send to the President a consensus housing recovery package.

The elements I have described already enjoy support, in most cases, from Democrats and Republicans, including the administration. A lot of the ideas have merit. My hope is we will have, in the next day or two, the opportunity to debate those individual proposals. For folks who want to amend them, in some cases strike them, in other cases to add new provisions, terrific. That is the way this system is supposed to work. That is the way this place is supposed to work.

My hope is in a very short while we will be gathered on this floor offering amendments to the package that Senator DODD and Senator SHELBY and our staffs are going to be working on to get things going, to get things done. The people of my State did not send me here to just talk about our problems. They sent me here to do something about them. We have a great opportunity to take the next step, I say the third in a trilogy of steps, that will help get our economy out of a ditch and hopefully head in the right direction.

The best thing that can happen is we can demonstrate to people in this country that Democrats and Republicans, in an election year, can set aside our political differences and figure out the right thing to do to help stabilize the housing situation and put us on the road to recovery. That is going to lift the spirits of a lot of people and give our friends in the media a different kind of story to report—not the story they report day after day after day, a drumbeat of all the things going wrong in this county, but to start reporting some things that are going right in this country. As those more positive, uplifting, inspirational stories begin to appear, recessions have a way of turning into recoveries. That is exactly what we need right about now.

Mr. President, with that, I do not see anyone else waiting to speak on the floor, so 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. SCHUMER. 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. SCHUMER. Mr. President, a few minutes ago I attended a little press briefing with Senators REID, MCCONNELL, DODD, SHELBY, and other members of both leadership and the Banking Committee. It was a very good meeting because, at the meeting, Senators REID and MCCONNELL empowered Senators DODD and SHELBY to get together and try to come up with a compromise housing package. That is the best news we have had in this housing crisis in weeks and weeks. The eyes of America are looking at the Senate and saying: What are you going to do about the housing crisis?

Since we last adjourned, we have had a near meltdown on Wall Street. Since we last adjourned, new numbers have come out that show thousands more are losing their homes weekly. Since we adjourned, we have seen buying power is down for the average person and housing values are down.

For most people, housing is their piece of the rock.

That is their largest asset. When they are worried about their home, they are worried about everything. When the middle-class consumer gets worried, the economy catches cold, and that is what has happened.

Yet for weeks and weeks the Senate has been paralyzed in terms of doing things about housing. We were very quick—the Fed—to go rescue Wall Street, and they were looking down the abyss. I don't think they had any choice. I was supportive of that. But I am not supportive of a bifurcated policy that says when a major financial company gets in trouble, we rush to their aid, but when John and Jane Smith homeowners have trouble, we say: You learn. You are a moral hazard. If we help you, then everyone else will not repay their mortgages. First, the argument is unfair. John and Jane are probably more blameless than many of those who undercapitalized Bear Stearns and played it right at the edge. Second, this moral hazard argument makes no sense. The statistics show that when a homeowner owns his or her home, when a family owns their home, they do everything to repay that mortgage. They don't go on vacation. They don't buy the new suit of clothes for the kid who is starting school. They cut back on what they eat. That nice Friday night out at the local restaurant which the family looks forward to goes, all so they can pay their mortgage. So this moral hazard argument that if we help people who are blameless makes no sense.

Let me tell my colleagues about a typical person who has suffered foreclosure. I met many of them. I actually sat down and talked to some of them from New York. So that my colleagues can understand, these great thinkers up in their ivory towers, the conservative think tanks, who are saying: You better learn your lesson, don't even know what is going on. Let me tell my colleagues about Frank Ruggiero. He is a retired subway motorman. He lives in Ozone Park, Queens. His income is—I should say was, because Frank passed away a month ago, but that doesn't have anything to do with the story. Frank had a good pension. His union, TWU, provided him a good pension of $28,000. His Social Security was $11,000, and he had a nice little house in Ozone Park, a working-class neighborhood in Queens, New York City, that was worth—he had paid 16 years of a 30-year mortgage. He hadn't missed a payment, as most homeowners have not. They pay whenever they can.

Frank got diabetes. His health care plan would not pay for the treatment the doctor said he needed, and he was desperate. So Frank saw an ad in the newspaper and it said: ''Get quick cash. Refinance your home.'' He called up the number and a mortgage broker came over. This mortgage broker is unregulated. He didn't come from a bank. He was an independent operator. That is where most of the trouble was, from these unregulated mortgage brokers. We are not dealing with that in this bill, but we should in a future bill. A bill I have introduced would deal with this issue. Anyway, he asked the mortgage broker: Could I get $50,000? He said: Yes. And Frank asked the right question. He said: How much will my mortgage go to? The mortgage broker said: It will go from $1,100 a month to $1,200 in January. Well, Frank thought, I can afford that, so he signs the mortgage deal.

Let me say three things about what happened to Frank. Frank is typical—typical. His mortgage did go up to $1,200 a month the next January, but the following January, it went up to $3,900 a month. Frank's income was $39,000. A quick calculation will show that $3,900 a month is more than Frank could pay. If he didn't spend one nickel for food, clothing, health care, and everything went to the mortgage, he still wouldn't have enough.

Why? Was Frank defrauded? No. On page 37 of this 50-page mortgage document, it did say the mortgage would go up, but it didn't say so in a language you or I would understand, only that certain things would happen after this, that, and the other. I think if you read it—and I read it—it was deliberately disguised. So there was no fraud. There should have been, but our laws for mortgage brokers don't say it is fraudulent to sell somebody a mortgage that is beyond what they can pay.

The second point: Of the $50,000 Frank was supposed to get, guess how much he got. He got $5,700. You say: $5,700, how could that be? Because in that disguised mortgage document, it said the broker would get a commission. What it didn't say is the broker's commission from a mortgage company, also unregulated, also not a bank—the higher the interest rate the agent got Frank to sign for, the greater the commission. If it was a no-document loan, which this was no documents—another story for another day, and I will be back on the floor this week, if we are able to debate this bill, and talk about all these things because I have studied this issue and I have been working on it for a long time. It was a no-doc loan, an absurd concept; how investors bought no-doc loans is again something we have to look at. But he got an additional commission for that.

Then there was a prepayment penalty. If somehow Frank would prepay this ludicrous mortgage, there would be a big penalty to prepay. When should that ever happen? Those should be outlawed.

So this guy got $22,000, the mortgage company got points of $11,000, way beyond what any bank would charge or would be allowed to charge. Between the appraiser, the lawyer, and everyone who came with the package, they all took their piece and Frank got $5,700, all because of the structure of the mortgage company. You say: Well, what about the mortgage broker? He is probably off in the sunset on his yacht with all the $22,000 he made from duping the Franks of the world. Where is the mortgage company? It is bankrupt. Frank is stuck.

The third point: Frank was a prime borrower. He had a FICO score somewhere around 700. He had paid his mortgage payment religiously for 16 years. He had never missed a credit card bill. Frank was one of those old-fashioned people who believed you pay your bills, so he was a prime borrower. Sixty percent of those who have subprime mortgages in or about to go into foreclosure are prime borrowers. They pay their loans. They are not trying to gyp anybody. It is a disgrace. The sad fact is if Frank hadn't answered that ad but had walked into a local bank, because they are regulated, they would have said to Frank: You need $50,000? Fine. We will sign you a new 30-year fixed-rate mortgage and that will cost you $1,500 or $1,600 a month instead of $1,100. That would have been a stretch for the Ruggiero family, but they would have made it. They would have signed it and he would have gotten his money and his treatment.

What are we saying, that Frank should be punished for what he did? I ask some of those ideologues from the think tanks and even from the other side of the aisle: What did Frank do wrong? What did Frank do wrong? What harsh lesson are we going to impose on the Franks of the world, and what will anyone else have to learn from them? So the moral hazard argument makes no sense.

We have to do something. Now, what this bill contains is something Senator BROWN and Senator CASEY and myself and, with Senator MURRAY's help, have been working on for a long time, where somebody on the ground today could go to Frank, if Frank were alive, but to people similar to Frank, and they could help him rewrite a new mortgage that he could repay and he wouldn't lose his home. Now, after 6 months of the administration opposing and opposing and opposing, Senators BROWN and CASEY and I, again with Senator MURRAY's help, were able to get $180 million into the omnibus budget bill at the end of last year. Guess how much of that has been used. Mr. President, $160 million already, after about 6 weeks, 7 weeks since it passed. We need more. To me, the most important part of this bill, with a lot of good provisions, is the money for the mortgage counselors. Not because it is a great, heroic thing to do, not because it dramatically restructures our economy—these things are needed—but because it saves people's homes. It saves the Franks of

the world, their little piece of the rock, which they struggled so hard and long to own and to keep. So we proposed another $200 million. To be honest, we need $500 million. To compromise with the other side—they hate all Government spending, some of them—we have said $200 million.

Then, when the mortgage counselor came around, you would still need money to refinance the mortgage. That is why there are provisions for mortgage revenue bonds in the proposal. There is also a proposal for CDBG money. That seems to raise the ire of some: Government money. Well, let me say what the CDBG money will do. The houses that are already foreclosed upon and are vacant are cancers on neighborhoods. Let's say you are a homeowner anywhere within a tenth of a mile of a home that has suffered foreclosure; a vacant home in your neighborhood brings the home values down 1 percent, each vacant home. So a totally innocent person suffers. No moral hazard here. You could have paid your mortgage off and you are hurting because there are foreclosures. What this provision will do is allow the State, the local governments, to buy up that foreclosed home, fix it up, and sell it. Isn't that a good thing or are we again going to stay in our ideological ivory tower and say: That is the Government spending money. Of course it is the Government spending money. We spend money for soldiers. That is an external cost. Foreclosed homes are also an external cost. So this is a good package.

The final provision is a bankruptcy provision which I support and I hope will stay in the bill. I know it is controversial. But Senator DURBIN has wisely modified it. The argument against it is it would raise interest rates because people would build in the cost of the lower repayment once somebody was in bankruptcy into the original cost of the mortgage. So what Senator DURBIN did in an effort to compromise is actually say it will only apply to existing mortgages, not forward-looking ones, not ones that are going to be signed tomorrow. So it can't affect future mortgages. So these are five good provisions.

Now, I wish to say to Senator MCCONNELL and Senator SHELBY, and I think I speak for just about every one of us on this side of the aisle: We welcome additions. We welcome discussions. Senator JOHNNY ISAKSON, of Georgia, has a provision about tax credits for first-time homebuyers that might encourage the housing market to get going again. I think it is a good provision. I praised him while we were on break. Senator ISAKSON should get to offer his amendment.

There are many other amendments. Senator CARPER worked diligently to see that FHA reform comes forward. Senators DODD and SHELBY are close. The only disagreement, as I understand it, is over what the limits should be. The administration and some of us, including Senator DODD, support $740,000 approximately, and SHELBY says $400,000. I cannot believe we cannot work that out. I say to Senator SHELBY that in places such as Long Island, where the average home costs about $450,000, we don't even cover half of the homes right now. It was always intended that about 80 percent of the homes be covered—not just the very wealthy but middle class and down. Hopefully, they can come to a compromise on that.

Anyway, this is good news. I know what happened. Two weeks ago, when we proposed the same thing, we were blocked. I talked to some of my colleagues on the other side of the aisle who wanted to put a bill together. They said there were some who said the only debate we should have on this is to reduce the estate tax or make permanent the Bush tax cuts. With all due respect, neither of those has anything to do with solving the housing crisis, whatever your view is.

Then something happened. We had a meltdown on Wall Street and all these new housing figures I mentioned during the 2 weeks we were away. I am glad to see that the minority leader and others have now seen, hopefully, the price for inaction, the price for a narrow ideological commitment—no Government, as our economy goes down the drain.

I am hopeful, and I pray that the negotiations that are going forward right now between the Chair and ranking member of the Banking Committee will bear fruit. Let us hope we can spend the rest of this week far more productively than we spent the last week here in session. Let's hope we can debate housing. Let us hope we can help the Franks of the world, who have done nothing wrong and need help. When we help the Frank Ruggieros of the world, we help our economy gradually get better.

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

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

Mr. ISAKSON. Mr. President, I am delighted to come to the floor today to praise the Senate for the most recent action in approving the motion to proceed on the issue of the day in America, and that is the housing crisis, the mortgage crisis, and what has been happening to our homeowners, mortgage companies, and our communities.

I pay particular attention and thanks to HARRY REID of Nevada, the majority leader; MITCH MCCONNELL of Kentucky, the minority leader; CHUCK SCHUMER; LAMAR ALEXANDER; JOHN ENSIGN; CHRIS DODD; RICHARD SHELBY; and a host of Members who came together, and instead of agreeing to disagree, agreed to agree and set a platform from which this Senate, in only the way the Senate can do it, can deliberate the most pressing issue of the day.

I thank them for incorporating and including me in those discussions, and I want to share one of the things I shared with them and what I think should be a key part of any solution we offer on behalf of the housing market and the mortgage crisis.

One of the good things about getting older—and I am 63—is that you have had a lot of experience, hopefully all of it good, but it is not all good. I was in the real estate business for 33 years before I came to the Senate, and I was in it in 1974 when we went through one of the worst housing recessions ever. I was also in it, thank goodness, in 1975 when a Democratic Congress and a Republican President, Gerald Ford, brought forward a tax credit bill to stimulate the housing market.

In 1975, we had a similar problem. We had gone through a period of easy credit and lousy underwriting, except it wasn't on the mortgage side, it was on the construction loan side. At banks around the country, if a guy came into the bank and had a pickup truck and a hammer, he qualified as a builder, and he went out and bought a lot and started building spec houses. Banks made the loans and even advanced some of the development costs. Some A and D lenders would loan 100 percent of the cost of the acquisition and 20 percent of the development—crazy underwriting. It led to a plethora of new houses being built but no buyers for these houses. The United States found itself in the position of having a 3-year supply of standing new inventory on the market and no buyers.

What happened? Values started declining, grass started growing, and vandalism started taking hold on the vacant houses. It was a horrible situation. The President and Congress came together and said: Why don't we stimulate the market to absorb these houses, get the buyers back into buying houses. We passed a $2,000 tax credit to any family who bought and occupied as their principal residence a single-family new house that had been built, not a resale or any other house, but a single-family new house that had been built and standing in inventory.

We passed that $2,000 credit which, to give some idea of perspective, was about 8 percent of the value of an average house at that particular time in the marketplace. What happened is overnight, buyers sitting on the sidelines came out. They bought the standing houses that had been vacant and unseen for months. Housing values stabilized and began to go up, the economy turned around, and we went out of a recession, into prosperity, absorbed the inventory, and we did not bail anybody out. We just motivated homebuyers to do what they do best, and that is buy the designated houses which were the problem.

Two months ago, I introduced a similar bill based exactly on that experience, except instead of $2,000, it was a

$15,000 tax credit earned over 3 successive years, the first 3 years after the purchase, of any one of a category of three types of houses:

Category No. 1, a new house built unsold, vacant, and permitted prior to September of last year. Any builder in America who permitted a house before September of last year did so when times were good. There was no looming indication we were going to get into the problem we are in now. They got caught like a lot of these homeowners and junk mortgages got caught, subprime mortgages.

Second, a house that qualifies is a house that has been foreclosed upon, the foreclosure has been adjudicated, and it is owned by the lender or the lender's designated agent. That is a standing vacant house foreclosed on and up for resale.

The third category is any house in foreclosure pending adjudication. That means it is being advertised, a foreclosure notice has been posted, and the house will be foreclosed on but has not yet.

Any one of those three types of houses, which is where the growing inventory is, will be eligible for the buyer to earn a $15,000 tax credit allocated over the first 3 years in which they occupy the home. If it is a speculator in foreclosure, it does not qualify. If it is a speculator who is trying to buy, they don't get the tax credit. This is to stimulate houses being bought that are in trouble, owner occupied by principals who bought those houses, and it qualifies for people who will buy those houses, refinance them, pay off the loan, and live in them as their residence.

What is going to happen, if the Congress is able to come together and pass a tax credit proposal such as that, is we will instantly stimulate the housing market and the marketplace, and the consumers will begin absorbing the standing inventory that is in foreclosure or pending foreclosure or is new and has been sitting since September of last year. That is precisely where the problem is. That is precisely what needs to be absorbed.

There are a few people who said: What about people who have been making their payments and are not in trouble; why don't you get the credit for buying their house if they want to sell it? That is not where the problem is, No. 1. No. 2, they are suffering from all these vacant houses being out there as well because housing values are declining, appraised values are declining, equities are shrinking, and equity lines of credit are drying up. We need a focused, targeted absorption vehicle to see to it that the buying public solves our problem for us. That is the right way to do it.

One other feature of the proposal is the tax credit will only be available and able to be earned on a purchase of a designated property made between April 1, 2008, and March 31, 2009—a 1-year window of opportunity. That creates the urgency of the situation, it motivates people to get into the marketplace or lose that opportunity, and it will be a significant catalyst to the marketplace, solving a significant problem for the United States of America.

I encourage my colleagues on the Banking Committee. I appreciate their consideration of this proposal and this concept. I hope that when the bill comes to the floor either in the base bill or in the amendment process, we can address a past solution that worked and add it to a contemporary problem that was identical to what the problem was in 1974 and 1975.

I end where I began. I thank my Democratic friends and my Republican friends who came together and decided to make something work rather than figure out how we can just be against one another. Senator SCHUMER has been a catalyst in this effort, Senator ENSIGN, Senator ALEXANDER, Senator REID, obviously, Senator DODD, and Senator SHELBY. I pay tribute to Senator TOM CARPER who talked with me over weeks about the proposal I just discussed and finding some way to bring it to the floor of the Senate and get it out there so we can address the problems that exist in Delaware, Missouri, Georgia, Nevada, and in all the 50 States over the United States of America.

I am privileged to be the author of the amendment. I will be proud to be part of a team that does not want to take credit but wants to get something done, put together a bipartisan bill that addresses the most contemporary problem today in the United States of America, and that is the housing crisis.

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

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

The legislative clerk proceeded to call the roll.

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

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

Mr. INHOFE. Madam President, I ask for the regular order. Are we in morning business?

The PRESIDING OFFICER. The Senate is considering a motion to proceed to the housing bill.

Mr. INHOFE. I ask unanimous consent that I be recognized for up to 20 minutes as in morning business.

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

AFRICA

Mr. INHOFE. Madam President, on February 6 of 2007, the administration announced their intention to create a new unified command, the United States African Command, or AFRICOM. The U.S.-Africa command is a partnership between military and civilian communities that will focus on existing programs such as the training of peacekeeping forces that enable African nations and regional organizations to improve security on the continent. The National Security Adviser, Stephen Hadley, said:

> AFRICOM is a command that would be established for Africa . . . It would be a partnership, really, between military and civilians, and its principal focus would be to continue some of the activities that we are already doing to try and train peacekeeping forces so that countries in Africa and regional organizations in Africa can take more of a role in dealing with the conflicts and the problems on the continent.

It is ironic that we have these COMs, these commands all over the world. Yet Africa is divided into three commands: the Pacific Command, the European Command, and the Central Command. Africa has now become, in my opinion, the most significant continent that we need to pay more attention to.

I think I am uniquely qualified to talk about this. Two days ago, I made my 97th African country visit. The last country we were in this last week—there were some five countries—was Ethiopia, a very significant part of it.

I also started my efforts in Africa long before we had a lot of military interest in Africa. Mine was more of a mission type of thing. I became very familiar with all of Africa. I now have had an opportunity to sit down and visit personally and develop intimate relations with the Presidents of some 28 African nations, their Parliaments and many of the leaders there.

As a matter of fact, I was in Ethiopia 7 years ago, when we came upon a little girl. She had nothing. The little girl was an orphan. She was 3 days old. She wasn't healthy—didn't look like she would live at all. They put her into an orphanage, where they did the very best with what they had. Like so many orphanages, she was actually put in a bucket. They had this cute little girl in there, feeding her intravenously through her scalp at the time.

Anyway, there is a long story that goes with that, but the short version is my wife and I have been married 48 years and have 20 kids and grandkids and one of our daughters, Molly Rapert, had only boys. She wanted a little girl so she adopted this girl. This is my adopted African granddaughter.

It is kind of funny. She was found abandoned as an orphan in Addis Abba, in Ethiopia. Yet this little girl has turned into quite a genius. In fact, 3 weeks ago at the National Prayer Breakfast I was in charge of the African dinner. I say to the Presiding Officer, this little granddaughter of mine was the speaker that night—7 years old. I have more than a passing interest in Africa. It is a family interest too.

During my time on the continent, I have seen the significant and strategic place in the world that Africa holds because of the sheer size of Africa. People don't realize, if we go from Mauritania to Ethiopia, east to west, it takes 7 hours flying. If you go from north to south, from Cape Town up to Algeria, it is 9 hours. It is a huge continent.

The rest of the world is now realizing its importance. I think our timing is very good. It is only a year ago that we embarked upon this idea that we were going to be holding up Africa and supporting it. A lot of people don't realize the significance of Africa, that Africa is the area where, as the squeeze takes place in the Middle East on terrorism, a lot of it goes down through the Horn of Africa, through Djibouti and that area, and spreads out throughout Africa.

Other countries are realizing how important it is. They are doing something about it. The new French President, Sarkozy, said during a recent trip to South Africa that Africa should have at least one permanent seat in the U.N. Security Council and that France would no longer accept major world affairs being discussed without a leading African country being involved.

There are many countries, such as China, expanding influence in Africa. I can tell you that, as you go through Africa, anything that is new and shiny—a bridge, a colosseum, anything such as that that is given to them by China. China is trying to get a foothold there.

China has the same problem in its dependency on outside sources for oil as we do. They are beating us to some of these areas in Africa. Huge reserves are being developed in Africa. All that is very significant.

Currently, over 700 Chinese state companies conduct business in Africa, making China the continent's third largest trading partner. The United States and France are first and second.

I have also seen, in my many travels to Africa, the great strength and perseverance in the African people, in their fight to overcome great obstacles such as HIV/AIDS, malaria, poverty, wars. In order to achieve security and stability, we have to work to eliminate the root causes of poverty and poor governance. Fighting terrorism in the region has become critical. Examples of terrorism we remember—it was not too long ago the bombings of our embassies in Tanzania and in Kenya and more recently the bombings in Morocco and Algeria. African countries have become more vulnerable as al-Qaida has infiltrated into the Horn of Africa.

As the surge is working—yesterday after leaving Africa, I went to the European command and looked at the progress we are making. We were, yesterday afternoon, in Iraq. Good things are happening there. The surge is clearly working. As the surge works, what happens is, as I described, a lot of the terrorist activities go down into the most convenient place and the most vulnerable and that is the continent of Africa.

It has been reported terrorist networks in Somalia and Eritrea work together, increasing their capability. If you go into northern Uganda—this is something very few people know about. Everyone knows about the problems in the Sudan and many of the other areas of Africa. But how many people know the children's Army being developed by a man named Joseph Kony. The LRA, the Lord's Resistance Army, for 30 years now they have been taking kids out of villages, little 11-, 12-, 13-, 14-year-old kids, teaching them to be soldiers. Once they learn to be soldiers, they have them take an automatic weapon and go back to their villages and murder their family. If they don't do this, they maim them, they cut their ears and lips off. This has been going on for a long time. These horrible things are going on, and a lot of that is because we, the free world, have not given our attention to Africa that we should have a long time ago. We see the conflicts in Kenya taking place right now, the young democracy that has unfortunately exploded into tribal conflict. More than 1,000 people after the December election were killed. Last month, there were 500 European Union troops who were sent to protect Chad's capital from being taken over by the rebels; 3,700 EU troops are presently protecting thousands of refugees along Chad's border with Sudan as well as the neighboring Central African Republic. In February, the United Nations ordered its regional force to withdraw to Ethiopia after the Eritrean Government cut their field supplies.

Let's keep in mind it was Eritrea, when we had the problem in Somalia, that went down and sided with the terrorists. It was, of course, Ethiopia that joined us, as well as other countries such as Uganda and Burundi.

The United States has a long history offering support, helping establish security on the African Continent. Thomas Jefferson was the first President to send American troops to the coast of Africa to ward off the Barbary pirates plaguing the Mediterranean and threatening the security of Europe and the new colonies. This is kind of funny. That was Thomas Jefferson. Today the same thing is happening in the Sea of Guinea. They have new discoveries of oil so there is pirating going on, and we are over there trying to help the surrounding countries defend themselves. This command is going to go a long ways toward doing that.

We continue to support African nations in the area for security and stability and health and education initiatives. In 2003, the United States helped to bring stability to Liberia. In Djibouti, the Combined Joint Task Force for the Horn of Africa has been involved in developmental activities, including building schools and digging wells. I have had occasion to be in Eritrea several times. It is probably the least known country in Africa. It is becoming better known because of all the atrocities that are taking place there. The administration recently pledged $15 billion through the President's emergency plan for AIDS relief and significantly is contributing to the fight on AIDS.

People complain: Why are we spending money to help Africans on HIV/AIDS? That is their problem. They are dealing with their problems themselves.

I had occasion last week to be with the First Lady of Zambia. The First Ladies all throughout Africa are the ones who are doing the most to combat HIV/AIDS. The First Lady of Zambia has put together a group of First Ladies who are significantly having an impact. President Gbagbo's wife Simone in Cote d'Ivoire is very actively attacking the problem there. Janet Museveni in Uganda has been honored in the United States for her work on HIV/AIDS. Most recently, the one I think is really doing the best job is the wife of the Prime Minister of Ethiopia. Prime Minister Zenawi's wife Azeb is heading up a group that is having great positive impact on HIV/AIDS. So they are helping themselves.

The United States is partnering with African countries in effective programs such as IMET. I am on the Armed Services Committee, and it is one of the strongest programs we have to develop close relations with other countries. It is a military program where we invite the officers to come over and get trained with our officers. Once they are trained with our officers, that develops a bond that stays there from then on. If we don't do it, other countries such as China are willing to.

We have dramatically improved our train-and-equip sections so that we can help commanders in the field train and equip other countries. Primarily, my concern is in Africa, and that is happening. Those programs are proving to be vital resources by aiding developing countries in the professionalism of their militaries.

Africa is an avenue that the United States can use to aid Africa as it continues to grow into a secure democratic continent with a growing economy. Africa's challenges, its growing strategic significance, and the potential impact of failing states and ungoverned areas on U.S. security will require increased emphasis on interagency cooperation.

Currently, the African Continent is divided between three commands. You have the Pacific Command, the Central Command, and the European Command. The division of responsibilities has caused problems in coordinating activities and creating seams between commands, especially in key areas of instability or of conflict. One seam creating difficulty lies between Sudan—under the CENTCOM, or the Central Command—and Chad, immediately adjoining it, and the Central African Republic. The last one is under the European Command. They are right next to each other but under two different commands. Bureaucratically, it is a nightmare; you can't coordinate activities.

The recent conflict in Chad and the continuing conflict in Sudan emphasize the need for the United States to respond to these conflicts and to be unified. As AFRICOM becomes operational, these divided responsibilities

will no longer exist. It is set up to be operational by October of this year.

We have a great guy who is going to be commanding general. He has already been confirmed, GEN William ''Kip'' Ward. Kip Ward's military service includes tours all over the world but with a real emphasis and interest in Africa. He was confirmed by the Senate in September. General Ward has expressed a vision of hope for Africa and for the role the United States plays in that vision. General Ward believes in the need to address crisis situations before they arise and to address them at the microlevel, at the perspective of the individual victim, which is critical in bringing about solutions. AFRICOM's aim will be a preventative approach on the local level, giving hope in times of adversity and a way forward for the future in both security and development. General Ward is the right guy for the job. He has stressed that the purpose of the command is to enable African solutions to African challenges, to support African leadership rather than usurping or suppressing African leadership and sovereignty. This is very important.

It was the right military decision for us in the United States to become interested in helping Africans develop five African commands. These would be north, south, east, west, and central. Only two of the locations have been determined right now. But we make it very clear to Africa, we are not doing this. We are not the ones who are putting the brigades in there. We are helping them to put their own brigades there so they can take care of their own problems.

In Somalia, African countries such as Ethiopia, Burundi, and Uganda have sent in troops to help stabilize the government there. We couldn't have done that without the support of Africans. The African Union troops have recently arrived in the Comoros Islands near Madagascar to help its military regain control of an island where a renegade leader has declared himself President. The development of the African standby brigades is a good example of how we are helping them to help themselves.

So AFRICOM is expected to become fully operational the first of October 2008. It is going to be at least temporarily located in Stuttgart, Germany. My personal preference would be to have it someplace in Africa. Right now, there is some resistance to that, so we will keep it in Stuttgart for the time being.

In fiscal year 2008, Congress appropriated $75 million to the command, and in fiscal year 2009, the President has requested $389 million. I know this sounds like a lot of money, but I can't think of anyplace where we can actually save money more than by helping the Africans build up themselves and bring their allegiance in to us. We have to support AFRICOM with adequate funding to enable the command to be fully equipped to face the challenges they have only in Africa.

I already introduced a resolution that is S. Res. 480. I am joined by about 12 or 14 Members. I invite my friends from both sides of the aisle who have a heart for Africa and believe in what we are doing to join in this resolution. The resolution encourages the Department of Defense and the State Department and USAID to work cooperatively with our African friends to bring hope to the continent. So often, when you try to put together a program such as train and equip, the State Department seems to think that the Department of Defense is taking away some of its power. It becomes a turf battle. We don't want that to happen. It looks as if it will not happen in this case. The resolution emphasizes that AFRICOM is expected to support, not shape, U.S. foreign policy in Africa so that we would be working together.

Finally, I encourage my friends in Africa to work together with AFRICOM to find solutions to issues facing Africans today. Under General Ward's leadership, I believe AFRICOM can provide that hope to the people, and I believe that is going to happen.

I was in a Stuttgart meeting, the first official meeting of a Member of Congress with the new African Command or the new AFRICOM. I became convinced, looking around the table at all the people, this is the first time you see many of the bureaucracies sitting around the same table. This didn't happen before because it was not a unified command. This unified command will allow that to happen.

There is no place in the world that needs more attention by us right now. When you talk about the war on terror, the next area we will have to concentrate on is Africa. By taking these steps now, Africans will be prepared to handle their own problems and not have us do it for them.

I am very pleased with the successes we have had. We have been talking about a new African Command now for about 10 years. Finally, it will become a reality this year.

We need to encourage a lot of people to start participating, maybe to the same level I am participating with the country of Africa. It is a beautiful thing that is happening right now. I believe we are going to make great progress as a result of the African Command.

I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

HONORING OUR ARMED FORCES

STAFF SERGEANT KEITH ''MATT'' MAUPIN

Mr. BROWN. Madam President, this weekend the Department of Defense confirmed the death of SSG Keith ''Matt'' Maupin, an American patriot from Batavia, OH, near Cincinnati, who bravely served our Nation in Iraq. Sergeant Maupin had been listed as missing and captured for nearly 4 years. He went missing on April 9, 2004, after his fuel convoy, the 724th Transportation Company, was ambushed just west of Baghdad. Since that tragic day, Sergeant Maupin's mother and father, his family, have worked tirelessly to locate their son. My prayers are with them, those who have endured years of gut-wrenching uncertainty and unfathomable heartache. We owe this family a tremendous debt of gratitude, not only for their extreme sacrifice but for their determination to prevent other parents from experiencing an information vacuum when their deployed son or daughter goes missing.

There are three other soldiers currently missing and captured in Iraq. The nightmare is not over for their families. On their behalf and in honor of Sergeant Maupin, our Nation must find those soldiers. Time must be perceived as the enemy. There can be no pause in the search, no ebb in the sense of urgency.

Upon finally hearing news of their son a few days ago, Sergeant Maupin's father said:

> Matt is coming home. He's completed his mission.

His words echo those of a grateful nation.

THE HOUSING CRISIS

Mr. BROWN. Madam President, for months and months almost every newspaper in the country has been filled with stories of the tremendous toll the housing crisis has taken on communities across our Nation. My State set an unenviable record for foreclosures last year—more than 83,000, according to Ohio's Supreme Court. That is more than 200 every day of the week—Monday, Tuesday, Wednesday, Thursday, Friday, Saturday, and Sunday. Every week 1,500 families lose their homes. Almost 4 percent of all home loans in Ohio are in foreclosure, the highest rate in the Nation. The end is nowhere in sight.

In Ohio, there are another 120,000 home loans that are delinquent. Nationally, one rating agency is now predicting a 50-percent default rate for subprime loans made in the fourth quarter of 2006, many of which will reset in the fourth quarter of this year. Think about that. One of every two subprime loans made in the fall of 2006 will go bad. That is not lending, that is gambling with someone else's home.

In the face of this crisis, the Bush administration has largely taken the view that prosperity is around the corner; the Government need not do anything; voluntary efforts and market forces will be enough. Last summer and earlier in the year, the Bush administration was still arguing that the problem was contained. So long as the problem was contained to places such as Ohio and Michigan, to Nevada and California, the administration was content to do almost nothing. But what a difference an address makes. When the problems moved from America's Main Streets to Wall Street, the administration sprung into action. In a single weekend, the executive branch jumped to rescue the investment bank Bear Sterns from bankruptcy. If the Government can leap into action to prevent the bankruptcy of a single bank, how can we turn our backs on the tens of

thousands of Ohio families and the millions of American families who need our help?

Congress must act in the face of this crisis. Majority Leader REID tried a month ago to bring legislation before the Senate that would take several steps to help homeowners faced with foreclosures in the communities in which they live. We are trying again today. We seem to be able to afford to spend $3 billion in 1 week, every week, 52 weeks a year, in Iraq, but the President hasn't been able to find $4 billion in 1 year to help the towns and cities across the country that are being gutted by foreclosures. We are able, it seems, from Chairman Bernanke, to spend $30 billion buying a basket of mortgages from Bear Sterns that JPMorgan wouldn't touch with a 10-foot pole. Why can't we help cities rebuild?

The needs of communities are critical because this crisis has an impact far beyond just the people who lose their homes, as big as those numbers might be. Whenever a home goes into foreclosure, the value of neighboring properties is reduced. In many areas, local vandals move in quickly to strip the copper pipe and the aluminum siding from a home. Crime goes up just when property tax revenues in these cities are plunging and the resources of a city and town are stretched to the limit.

Senator REID's bill would include some $4 billion in funding for the Community Development Block Grant Program, so communities that have been the hardest hit could renovate or rebuild or even in some cases raze these properties.

The bill would provide an additional $10 billion to housing finance agencies to be used to refinance mortgages, to help first-time home buyers, and to create more multifamily rental housing.

The majority leader's legislation would also provide $200 million on supporting the efforts of nonprofit agencies across the country to counsel homeowners on how to work with a lender to stave off foreclosure.

We have great neighborhood counseling organizations in Columbus and in Toledo and in Dayton and in Cincinnati and all over my State.

This is no easy task. Once upon a time, you took out a loan with your local bank to buy a home. If I borrowed money from a local bank, the banker had just as much interest in my paying down my loan, my staying up to date on my loan, he had just as much interest as I did in making sure I paid my mortgage. You knew the people at the bank. They knew you. You had that kind of relationship.

Today, especially for subprime loans, that is seldom the case. So help in navigating the mortgage maze is essential. That is why those neighborhood counseling organizations are so important.

The majority leader's bill would also improve disclosure of the terms of a mortgage. In the last year—the last 14, 15 months since I came to the Senate—I have held about 95 roundtables in 60 of Ohio's counties talking to people about what issues matter to them the most in their communities. I heard from one Ohioan after another, from Marietta to Lima, from Bryan to Chillicothe, from Zanesville to Youngstown. I have heard from one Ohioan after another who never understood the real risks and dangers of the mortgages that were sold.

Senator REID's bill also provides bankruptcy judges the ability to modify the mortgage on a primary residence in the same way that a judge can today with a vacation home or investment property or even a boat.

We know lenders and their servicers cannot keep up with the flood of foreclosures they are facing. Much has been made of the number of loans that have been changed as a result of voluntary efforts. I do not discount those efforts at all. But tacking late fees and penalties on the back end of a loan does not do much to help a family make their monthly payment.

One woman who called me reported a loan modification that reduced the interest rate on her loan from 11 percent to 10 percent. With the late fees and penalties folded in, her monthly payment barely budged.

Modifications like these are simply not going to help. It is essential that we permit the bankruptcy courts to serve as their backstop.

My Republican colleagues apparently think it is OK for a bankruptcy judge to modify the mortgage on a multimillion-dollar vacation home, but it is not OK to provide the same relief to a family facing bankruptcy in their $100,000 home.

When lenders are only recovering 35 cents on the dollar in my State—it is a little higher nationally; only 35 cents in my State on the dollar—on a foreclosed property, I do not think they have anything to fear from an alternative process supervised by the bankruptcy courts that may result in avoiding foreclosure.

The bankruptcy provisions are a significant change in our law, to be sure. But they are a responsible reaction to some extraordinarily irresponsible underwriting.

I understand the importance of protecting contract rights. But think for a minute about the contracts that are in question. The vast majority of subprime loans went to refinance homes. They were designed to do three things—to generate fees, strip out equity, and quickly become unaffordable.

Do we really want to take the position that these contracts should be beyond the reach of a bankruptcy judge? I think not.

We have much work to do in dealing with this foreclosure issue. Every day we delay more than 200 people—more than twice the membership of this body—lose their home in my State. They deserve more from us.

I yield the floor.

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

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

Mr. CORNYN. Mr. President, we know Senators DODD and SHELBY are working on, hopefully, a bipartisan piece of legislation that will come to the floor this week that will help Congress do what needs to be done and, hopefully, what will actually work to try to relieve some of the crisis caused by the subprime lending credit crunch and the slowdown in the housing industry.

We have all acknowledged this slowdown we have seen in our economy over the last few months, and we have resolved to work together to try to give the American people the confidence that if there is something we can do, we will try to do it in a way that actually works and relieves the problem in a bipartisan way. I think, frankly, that is met with some measure of relief by people across the country.

I think we got off to a pretty good start when Speaker PELOSI and Republican leader JOHN BOEHNER and Hank Paulson, the Secretary of the Treasury, came up with a stimulus package that passed with strong bipartisan majorities.

I think as much as anything it demonstrated that we are capable of acting together in a bipartisan way rather than just engaging in gridlock and finger pointing. I hope we will continue along that trend as we consider the legislation that Senator SHELBY and Senator DODD are working on.

To me, one of the best parts about the stimulus package we passed was the small business bonus depreciation provisions which gave small businesses that invested in new equipment an opportunity to write that off on an accelerated basis. It provided a great incentive for them to purchase that new equipment and hopefully allow them to continue to create jobs.

It is no secret about 70 percent of the jobs created in America are created by small businesses. We ought to do everything in our power to try to help them continue to generate jobs for hardworking Americans.

A little earlier today, I had a colleague come up to me and say, basically: We have to do something to deal with this crisis. Of course, I added: Well, I hope we do something. But more than that, I hope we do something good or something that will actually work and certainly not something that will actually make things worse.

Like the medical profession, we ought to consider in the Senate taking

a Hippocratic oath of our own that first we do no harm because, frankly, on the earlier stimulus package, where we believed it was necessary to act to give the public confidence—that we could on a bipartisan basis—basically we ended up spending about $150 billion to do so.

I think extraordinary measures were called for, but it was with more than a little trepidation that I voted for that bill which added to the debt, particularly when we are not doing a good job of dealing with the deficit in other areas and unfunded liabilities of the Federal Government, particularly when it comes to entitlement spending. But for the same reason I voted for tax cuts in 2003—which I think helped contribute to about 50 months of consecutive job growth in this country, and about 9 million new jobs—I think sometimes extraordinary measures are called for to help stimulate the economy.

But I do think the very best stimulus package we could possibly pass would be to lighten the tax load on small businesses and American taxpayers. It works. We know when people can work hard and keep more of what they earn, then it generates not only more income from them and a greater incentive to work hard, it also, ironically, generates more revenue for the Federal Treasury because more people are working, more people are paying taxes, and, thus, it helps us deal with the deficit in a way that is constructive by putting people to work.

But at the end of the day, I think what we need to do this week is to make an immediate, palpable difference in the lives of families with distressed mortgages. The housing market ought to be our focus and helping people with distressed mortgages not have to unload those through foreclosure and perhaps lose everything they have invested. That is why I would like to see the provisions from something called the SAFE Act become law.

The SAFE Act would expedite the delivery of the full $180 million appropriated for foreclosure counseling just last December. And to help stabilize the housing market itself, the SAFE Act includes a $15,000 tax credit over 3 years. This has been proposed by our colleague from Georgia, Senator ISAKSON. I believe Senator STABENOW on the other side of the aisle has something similar. But basically what it would do is provide a tax credit that would give people an incentive to buy existing inventory of new housing or housing that was currently in foreclosure proceedings.

Obviously, our housing market has a big impact on employment, and it has a ripple effect on the economy generally. I think this $15,000 tax credit over 3 years would provide a powerful incentive for people who are in the market to purchase a single family home in foreclosure or a new home from existing inventory which now in many cases just sits vacant.

This would make it more affordable for families looking to start buying a home and will provide an incentive for people to reenter the market in the coming year.

Finally, to make sure these same problems are avoided in the future, we need to focus on increasing transparency and information for prospective borrowers.

I agree with Senator MCCAIN who said we should not be about bailing out unscrupulous lenders who made bad loans or people who made the mistake of borrowing money they could not pay back, perhaps betting on the continuous bubble in housing prices in the housing market. But what we do owe the American taxpayer, the American consumer, is transparency and information which will allow them to consider—for example, when they buy an adjustable rate mortgage—and understand what they are getting into. That means letting borrowers know the full details of any new introductory rate and payment and what their new adjustable rate will be and how much they can expect their payments to be.

We must ensure consumers fully understand their mortgages and that they have a completely free and well-informed choice when it comes to their loans. That is the only way I believe we can hope to avoid future problems in the housing and banking industries in the future, beyond making sure that underwriters don't intentionally loan money to people they know can't pay it back. But those have to be resolved on a transaction-by-transaction basis, perhaps by the courts.

The Senate should make sure that any proposal does not produce insurmountable challenges to prospective and current homeowners. Too often, the work we do in the Senate has the effect of unforeseen and unintended consequences. Here again, we should do no harm, and I think we should be careful not to cause problems while we are trying to fix problems.

For that reason, I would be hesitant to support any proposal that increases the size of the Government's budget at the expense of the family budget. I could not support proposals that actually make home ownership more expensive, encourage costly litigation, or expand Washington programs.

The Senate should not be making home ownership more expensive for working families. That is what I believe, for example, the bankruptcy provision would do, which would allow bankruptcy judges to actually cram down reduced interest rates, thus devaluing that particular financial instrument, which would actually in the long run have the unintended consequence of raising interest rates and the cost of mortgages. I think every Member of this body can agree the last thing the Senate should be doing is making things harder on families and making it more difficult for small businesses to grow and create jobs here at home.

When this Senate passed the economic stimulus package, it affirmed the basic principle that economic growth is best served through taxpayers and people who are earning the money being able to keep more of it. It would be incomprehensible to me to now turn around and pursue a mortgage plan that would take that money away through bigger Government programs or higher costs for homes or mortgages.

Let me say that in my home State of Texas, we continue to enjoy strong job creation. Although there has been a downturn in the housing markets, by and large, we are running in a countercyclical fashion to much of the rest of the Nation. Our unemployment rate is at a 30-year low, and over the past year, Texas has led the Nation in job creation. We have accomplished this by some things that are pretty obvious, but I think they are worth noting; things such as low taxes, commonsense regulation, and an economy based to a large extent on free trade. All of these factors give businesses the tools to grow and families the stability to live. Not coincident, naturally, it allows or encourages job creators and businesses to move to our State, thus creating in the last—well, since 2000 about 3 million people have moved to Texas. I think people tend to vote with their feet where they find opportunity, and I think this formula of lower taxes, less regulation, the right to work without having to join a labor union—you can if you want, but you shouldn't be forced to do so just to get a job—those, in addition to commonsense tort reform and some medical liability reform, which has reduced the cost of medical liability insurance some 17 percent, have encouraged a lot of physicians to move to our State and has created a lot more access to good quality health care. So from my standpoint, we kind of know what works, what helps encourage the economy, what helps stimulate the economy, and what provides the incentives for American workers to work hard and businesses to be attracted to a particular State or location.

I urge all of my colleagues to join me in supporting well-reasoned and proven measures such as these, while rejecting other proposals that would increase onerous regulation, drive up housing and loan costs, and build a barrier between more families and home ownership. We have worked well in the past when we have worked together, and I hope this week will be yet another example of good work we can accomplish when we put partisan politics aside to work out solutions in a way that addresses the real problems that face the American people.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

Mr. ALEXANDER. Mr. President, I noticed the Senator from Texas was talking about all of those people recently moving to Texas. There was a

point in our history in this country when half of Tennessee moved to Texas. In fact, almost every Texan you find has a Tennessee ancestor, whether it is Davy Crockett or Sam Houston or some other person.

I wish to follow up on the remarks of the Senator from Texas and his focus on the family budget and his focus on the way this Senate is working. Senator MCCONNELL, our Republican leader, has said often that in the Senate that process is often substance.

When I was Governor of Tennessee, I didn't understand that very well because the job of a governor is to see an urgent need, develop a strategy for meeting the need, and then persuading half the people you are right. So I left the process to somebody else and probably didn't show as much respect for the process as I should have. When I was a university president, I was humbled a great deal and learned a little bit more about process. Now that I am in the Senate, I understand even more that the Republican leader is a very wise man when he says process is often substance.

So first I wish to comment on the process we saw this afternoon when the majority leader, HARRY REID, a Democrat, and the Republican leader, MITCH MCCONNELL, stood together with others of us and said we are going to work together and try to produce a housing bill. That was a very important event to say we'll come together and try to produce a housing bill that helps stabilize home values for American families and helps restart our economy. All it was, was process. Out of this messy situation we have here in the Senate, where 100 of us have a right to actually bring the Senate to a halt, we had the two leaders form a consensus about process and assign two of our more respected Members, the Senator from Connecticut, Senator DODD, and Senator SHELBY, the Senator from Alabama, the job of coming back to us tomorrow and giving us the next step. The leaders did this because the Senate recognizes we have a housing problem in this country. It is one that by and large may have to correct itself because of the huge free market we have, but there are steps we can take in the U.S. Government to help stabilize home values. That would be good for the family budget. It would help to restart the economy. It would be good for the country.

I commend Senator REID and Senator MCCONNELL for their steps and think they are on the right course. I say that as I see the Senator from Colorado, who has done so much in this body to help us keep our eye on the ball and do what the American people expect us to do. The American people don't expect us not to have differences of opinions; of course we have differences of opinions. That is why issues are here. If they could be easily solved, they would have been solved at the county commission or at the State government level. But these issues have been kicked up to the national level and they are hard, tough issues, and we are expected to have differences of opinion. We have Democrats on that side and Republicans on this side because we have different principles that we emphasize sometimes. Usually they are the same principles, but they are often in conflict and we have to work those out. So in the Senate, we are going to have a big, strong, rousing debate about housing. No one should misunderstand that. But what the leaders have said is what the leaders ought to say in the Senate, which is that we see a real problem here with housing in the United States of America. We see families who are worried. We see home values that are at risk. We believe there are some steps we can agree on that would be good for the country, are within our budget and that would help stabilize home values and restart the economy. These are steps that will help the family budget, and the leaders have said that is what we are going to do.

Of all of the things people say to me in Tennessee when we talk about issues, they basically say: Why don't you guys—or something less flattering—why don't you Senators stop the petty partisan bickering. Or, in my words, stop the kindergarten politics and go to work on big issues affecting our country and try to get a result. That is what the Senator from Colorado spends a lot of his time here in the Senate trying to do. I try to do that. Most of us try to do that. We are all here, I think, to get some result, and the leaders have given us an opportunity to try to get one here on housing.

There are some good precedents for this. When people see us debating, they shouldn't think there is something wrong with that. We have big principled debates here. What they don't like is the kindergarten politics when we are here to stick our fingers in each other's eyes. The American people can smell that a mile away, and they hate it. They don't like it.

But kindergarten politics is not what we used on the America COMPETES Act last year. Senator REID and Senator MCCONNELL cosponsored it because so many of us supported the idea. It wasn't so easy to pass. It was $34 billion of authorization to try to help us keep our jobs from going overseas by keeping our brain power advantage here. We had no limits on the debate. Everybody who wanted to offered an amendment and then we passed the legislation. The COMPETES Act is now in place, and we are working on funding it. It is helping low-income kids who couldn't afford advanced placement tests have them. It is helping universities train more math and science and physics teachers. It has put us on a path to double funding for the physical sciences in the Office of Science and in the National Science Foundation. These are all things we must do as a country if we want to keep our standard of living. So the Senate did that together.

At the end of last year, we brought up an energy bill. Senator SALAZAR and I worked together on many energy ideas, but this was an especially important one. The Oak Ridge National Laboratory in the State of Tennessee has said to me repeatedly: The single most important thing you could do to reduce our dependence on foreign oil and to stop sending dollars overseas to some people who are trying to kill us is to reduce the consumption of oil by passing a fuel efficiency standard so we can increase the average mile per gallon of all cars and trucks. We did that. Now, the Senate had an argument about whether to have 20 billion more dollars of taxes, and some of us voted that down. But we didn't stop there and go home, take our football and leave the floor; we came to a result, and we did the most important thing we could do to try to reduce our dependence on foreign oil. And reducing our dependence on foreign oil, by the way, is the real way to stabilize and begin to bring down the price of a gallon of gas. So the Senate did that together.

Then at the beginning of this year, the President and the House of Representatives got together to propose an economic stimulus package. In fairly record time we approved provisions that will help 2.7 million Tennesseans receive $600 or $1,200—or in some cases $1,800, if they have a couple of kids—of their own money for the most part, back, so they can spend it. This stimulus package will provide $50 billion in aid for businesses. In some of our smaller counties there are hundreds of small businesses which can take advantage of keeping a little bit more of their own money and maybe add jobs. And that stimulus is coming in time to help.

We hear on the news today that consumer confidence is a problem. Well, the rebate checks and the small business deductions are about to go into effect, and that was something the Senate did together. We had principled disagreements, but we came to a result.

One other example of working together is concerning the foreign intelligence surveillance bill. I mentioned a little earlier a very wise man, Samuel Huntington, once said that most of our conflicts are about principles with which we all agree. We agree, all of us, the Senator from Colorado and the Senator from Tennessee and every American, that the principle of liberty is important, and so is the principle of security. Well, those two principles came in conflict when we began to debate the rules for overhearing a conversation from an al-Qaida terrorist in the Middle East calling into the United States. For 6 months we debated that, but the Senate came to a result concerning liberty versus security. No one watching the Senate should think there wasn't a debate here. There was a vigorous, impassioned debate. It was the kind of debate we ought to be having, but it wasn't about kindergarten

politics, it was about liberty versus security. Then the Senate came to a result.

So on competitiveness, on energy efficiency, on economic stimulus, and on intelligence surveillance the Senate came to a result. What Senator REID and Senator MCCONNELL said today is that we are going to try to do the same thing on housing.

Now, the second thing I wish to say is that there are several things going on within our financial situation today, and there are several solutions, so let's sort them out.

First, Secretary Paulson and others have suggested a badly needed fresh look at our financial institutions and how they are regulated. That will take a while and isn't easy to do. It is very complex, and it ought to take a while to discuss. In this country of ours, we produce about 30 percent of all of the wealth in the world every year. We do it in this great big free market with many different parts to it. So any time we begin to change things about the regulations, we need to be careful about what we do.

What we are talking about now in the Senate—and what the leaders announced today—is not down the road but instead is today and tomorrow. What can we do today and tomorrow to help the family budget? What can we do to stabilize home values, which we hope will help to restart the economy? There are a lot of good ideas out there. There are some that we in the Senate may be able to agree on fairly quickly.

The last thing I want to try to do is to do the work of Senator DODD and Senator SHELBY for them. They have a big task. Their assignment from the leaders is to take a day, so they and their staffs will be working most of the night to see if there are a few things that most of us can agree on that can form the basis of what the Senate plans to do on housing. Then, as I understand it, we will begin to have votes, hopefully, on issues related to housing. My guess is that if there are important and controversial issues, in most cases it will require 60 votes. In other words, we will have a bipartisan core that Senator DODD and Senator SHELBY will propose, and then we will have a series of votes to try to improve the bill.

Senators will have some differences of opinions about what improves it and what doesn't. For example, one thing that I think doesn't improve it—and many on this side don't think it improves it—is the idea of letting bankruptcy judges rewrite home mortgages for homes in foreclosure. It sounds good, and it might help a few people. Here is what else it would do: It would raise the risk for all of those who buy home mortgages in the future. If the risk is higher, the interest rate is higher. If the interest rate is higher, what does that mean for the family budget? It means higher monthly mortgage payments. The Congressional Budget Office says there could be higher interest rates. The Mortgage Bankers Association said there will be higher interest rates. They suggest that in the State of Tennessee it might be about $120, on the average, a month. I don't think it helps the housing slump if we pass legislation that has the effect of raising most home mortgages by $120 a month. That is a big raise for most people. So I think that is a bad idea. My guess is that this bankruptcy provision will be offered on the floor, we will debate it, and I hope we defeat it. At least we will be here on the Senate floor debating it and offering our reasons for and against it.

If it comes up in that form, it reminds me of junk bonds—something that was cooked up in the late 1970s and early 1980s. They called them that because they were higher risk bonds. When they were placed into the marketplace, investors said: We will buy them, but we are going to require more of an interest rate return.

There came to be other problems with these high-yield junk bonds, but the other problems are not what I am talking about. I am talking about the simple equation that if we introduce more risks into mortgages, then when people buy the mortgages they are going to require a higher interest rate. If there is a higher interest rate, that is a higher monthly mortgage payment for families in Tennessee, where the estimate is approximately $120 more a month. That is not an idea I hope is in the final result.

One idea that might be in the final result that has substantial Democratic and Republican support is providing $10 billion in new bond authority for loan refinancing. Senator BOND has that provision in his legislation, for example. That would provide tax-exempt bond authority which could be used to refinance subprime loans, to provide mortgages for first-time home buyers and for multifamily rental housing. That would mean if you have a subprime loan and suddenly your adjusted rate jumped up to a level you cannot afford—and that is going to happen with a lot more mortgages in the next few months—then the State housing agency could make a deal with you to refinance that loan. In effect, this refinancing would pay off the old loan, and you would have a new one at a lower interest rate that you are comfortable with. Most of the money gets paid back, the house is not in foreclosure, and there is more stability in the market. This is an idea I could personally vote for, and I know it has support on both sides of the aisle.

Another idea that has come from the Republican side but has attracted some interest on the Democratic side is the proposal of the Senator from Georgia, Mr. ISAKSON. He may be the junior Senator from Georgia, but he is no spring chicken. He had been in the real estate business for a long time before he came here to the Senate. He has been around long enough to have seen the housing slump in the 1970s. So he said: Let's not just invent some idea that might help; let's look back in our history a little bit and see if there was ever anything that worked in a similar circumstance that we could use to help preserve home values today. He pointed this out to us and introduced legislation, which I and others are cosponsors of, that would create a $5,000-a-year tax credit for three years for home buyers of homes that are new or in or near foreclosure. This tax credit would only apply for a limited period of time. Senator BOND included this provision in his housing legislation as well. Some work would have to be done to make sure this wasn't just for speculators. But the idea is a pretty simple one: Let's create some more home buyers through this incentive because that is good for homeowners. It is not just good for the person who has the foreclosed home but for everybody else whose house is not foreclosed, because if we stabilize the housing market by providing an influx of new home buyers, that will help preserve home values for everybody else in the market. And that will bring more confidence to the economy. I think that is a very good idea. It costs some money—about $10 billion to $14 billion over five years—in the form that it was originally introduced. Maybe it could be done at a little less of a cost.

One thing we know is that a similar tax credit was tried before in the 1970s. Senator ISAKSON says that at that time we had a 3-year inventory of unsold homes, and that tax credit—at a lower figure then because the dollars were a little less then—helped reduce the inventory of unsold homes from 3 years to 1 year. That is an idea worthy of consideration.

There is a lot of talk on both sides of the aisle about counseling for people buying homes. I have bought and sold some homes. I am trained to be a lawyer and I have been in Government. I would not think of buying or selling a home without a lawyer's help. I am not sure I could understand all of the forms I signed the most recent time I bought a home. We can do much better than that. The basic information ought to be up front so that people can understand, first, how long their mortgage lasts, what the interest rate is during the whole time, and what the monthly cost is. Those are the basic things. Then there are some other things that could also be clarified. Full disclosure—the Senator from Texas talked about that earlier—and loan counseling are ideas that the Senate can help with.

Senator MARTINEZ, a former Secretary of the Department of Housing and Urban Development, was a part of the press conference the Republican leader called this morning to discuss several Republican ideas that we have and which we hope are considered in this debate. Senator MARTINEZ has proposals about FHA loans, which are the loans that first-time home buyers often have, and for how to deal with Fannie Mae and Freddie Mac—the agencies that buy mortgages.

There is a lot we can do in the Senate to help preserve home buying, and the way to find out what we can do is to do exactly what the Democratic leader and the Republican leader have given us the opportunity to do.

Finally, I would like to say this, as I said in the beginning of my remarks. No one should believe, because the Democratic and Republican leaders and the rest of us standing behind them put us into a process to try to achieve a result, that it will be easy. No one should believe that there won't be a debate, or that there is any guarantee of success. Senator DODD and Senator SHELBY said that failure is not an option. I believe that, too, but we are going to have to discuss it to get there. It may take a few days. We are dealing with a big economy. So process may be a result, process may be substance, but either way, this is the beginning of the process toward a result.

Also, at least from my point of view, I would not want anyone to think that I believe the Government by itself can solve this problem. We sometimes forget—particularly at a time when we have an economic slowdown, as we do today—what a fortunate country we are and what a strong economy we have. I mentioned earlier that year-in and year-out, this economy in the United States produces 30 percent of all of the wealth in the world, measured by GDP, for just 5 percent of the people of the world. And we will do it again this year, as we did last year and as we will do again next year. Five percent of us Americans live here, and we will produce this year about 30 percent of the wealth in the world, according to the International Monetary Fund. Now we are in a little bit of a slowdown. It is important to understand that we are being honest about that. It is a slowdown, and it is a housing slump, and we have a problem.

We also have a big, strong economy—we have the biggest, strongest economy and the freest market, and our fundamental approach in Government ought to be to make sure that it stays that way.

So, for me and for many on this side of the aisle—and maybe others on the other side too—there are fundamental long-term propositions to really balance the family budget. We can do this by having low taxes, having less Government, having 2-year budgets so we could have more time to conduct oversight and review regulations, which means less regulation.

The way to have a strong economy is to have the right labor-management relations. In Tennessee, for example, when we were recruiting automobile plants, it meant the right-to-work law was very important to us as a State. We also need to have a first-class education system for all Americans, and that means dealing with disagreeable subjects like paying teachers more for teaching well or giving low-income kids more choices of good schools like the wealthy have. We need to also stop runaway lawsuits so that doctors don't move out of rural areas and so pregnant women don't have to drive 60 miles to Memphis to see a doctor for prenatal health care. That drives up health care costs. We also have to work together to find a way for every American to have health insurance. This is a long list, but if we really want economic strength, that is what it takes.

I learned this in a small way as a Governor of the third poorest State in the 1980s. My goal was to raise family income. I kept working for ways to do that. We already had low taxes and we had a right-to-work law. Our good location helped. We had to get rid of the usury limit, and we had to improve the schools. Then I found that we needed four-lane highways.

So there are many parts to a strong economy. These temporary measures we are taking, hopefully, in the next few days will help, I hope, preserve home values by stabilizing housing and restarting the economy.

I see no reason why we cannot create more transparency and counseling and make it possible for more mortgages to be refinanced and give tax credits to home buyers to create more homeowners. We can do that, but these are short-term measures. Then we can have other principled debates in the Senate about whether we are going to have lower taxes and whether we are going to have less Government and whether we are going to have fewer runaway lawsuits. And discussions on whether we are going to be willing to pay teachers more for teaching well or whether we will have a research and development tax credit so our companies won't go overseas or whether we are going to create opportunities for skilled researchers and workers to come into the United States so that we can in-source some of the brainpower that creates all this wealth we have enjoyed for so long.

I am glad to have the opportunity to come to the floor to congratulate Senators REID and MCCONNELL. They have done what leaders ought to do. They have put the Senate in a position to do what we should do, and that is to stand on our principles, offer our best ideas, work in good faith across party lines, and try to get a result and help the American people. The American people like to see the Senate acting that way. I am glad to have been a part of the Senate that acted that way on the America COMPETES Act, on the fuel efficiency standards, on economic stimulus, and on the foreign intelligence surveillance bill we passed recently. I am glad to be a part of the Senate that is preparing to act on housing slump.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. MENENDEZ. Mr. President, a month ago I came to the floor to speak on behalf of America's homeowners. Since then, tens of thousands of families have lost their homes. Since then, we have been watching home prices fall, we have been watching foreclosure rates skyrocket, and we have been watching tens of thousands of Americans lose their jobs.

In my home State of New Jersey, over the next 2 years, we expect more than 57,000 homes to be lost to foreclosure. That means 57,000 families who will have to hand over the keys to their home, 57,000 families who will be forced to say goodbye to the place where they were nurtured and comforted, a place where they lived during good and bad times, places they came home to every night, a place they celebrated birthdays and wept over losses.

In the words of families, we know what it feels like to lose their home. They will feel as if they have lost everything.

Nationwide, the number of foreclosures that is going to happen if we don't act is unfathomable. Two million American families are in line to lose their homes over the next 2 years, and everyone stands to lose from foreclosures. Lenders report losing tens of thousands of dollars on each foreclosure. Neighbors see the value of their own homes drop. When we see that 63,000 Americans lost their jobs a month ago, when we see weak earnings reports from businesses, wild swings in the stock market, and the collapse of a major firm on Wall Street, we can see this housing crisis is truly shaking the entire economy to its core. It clearly has a major ripple effect.

We all know at the heart of this economic downturn is the housing crisis. So the question is: How long are we going to watch before we realize it is time to take action?

I marvel when a year ago this past March I said at a Senate Banking Committee hearing that we are going to have a tsunami of foreclosures and the Bush administration said: Oh, no, that is an overdramatization. I said then: I hope you are right and I am wrong. The reality is, we have not even seen the crest of that tsunami take place.

Not only did they say it was not real, but they refused to act in any meaningful way. But when it was clear that a major investment bank on Wall Street was in trouble, the Bush administration rushed to the scene like firefighters responding to a five-alarm blaze with $30 billion put up to ensure that JP Morgan Chase could buy Bear Stearns.

Regardless—and we will be reviewing both the propriety and the way and the standards that were used to pursue that, whether that is the appropriate standard, the way Bear Stearns ultimately was priced—a full year into the subprime mortgage crisis, they have done nothing but hit the snooze button on the alarm as millions of Americans have watched their dream of home ownership go up in smoke.

It is time we react with the same urgency and seriousness, no matter if the people who are in financial trouble are occupying a suburban home in Madison or a rowhouse in Newark or Camden.

I hope today finally there is a glimmer of hope for homeowners who have been left to fight this battle alone. It is clear that Members on both sides of the aisle have gotten the message that it is time to act. And it is clear what our goal has to be: helping families keep their homes and in doing so helping our economy, which affects all of us.

I am pleased that we have made what seems to be an important breakthrough in the Chamber. I have the utmost faith in Chairman DODD and Ranking Member SHELBY that they understand the urgency at hand, that they will do their best to put forward a workable solution we can all support, and I certainly hope it is one I can support as well.

I strongly support Majority Leader REID's bill as it is. I understand the nature of compromise and negotiation, so I know it will change, but I hope that bipartisanship will not mean we will stray far from providing the direct assistance that homeowners need—to stop foreclosures.

Here are a few key steps the final bill has to take. First, we need to provide funding for counseling in order to reach families at risk of losing their homes. Many American families—I saw it during the recess when we were working back in our States—many American families are sitting around their kitchen tables looking through their mortgage bills, their finances, and, yes, their bank notices, and they don't know where to turn. They don't know exactly what to do. It is not as if they have a pot of money sitting in the bank. They do not. They are trying to keep it together, keep their families together, keep their hopes and dreams and aspirations together. These counselors could offer them real solutions and options to avoid receiving that foreclosure notice or, even worse, foreclosure itself.

The Reid bill puts forward $200 million to make sure counseling reaches those who need it the most, and I think that is incredibly important.

Secondly, we need to provide funding to allow communities with high foreclosure rates to access community development block grants. Communities can use these funds to purchase foreclosed properties for rehabilitation, rent, or resale. Having a foreclosed home sit abandoned in a community does not benefit anyone. This is one of the key points I always make when I talk about this issue because a lot of people say that is not about me. I got the right mortgage; I am paying for it; this is about some people who made the wrong choices, and I don't want to pay for their wrong choices.

The problem with that is, first of all—and I will talk about it in a moment—people were led to choices where maybe they did not have financial literacy, maybe they didn't have the wherewithal to fully understand the nature of what they, in many cases, were being misled into—a mortgage product in which they should never have been.

Even looking at it in that respect, the bottom line is it affects us all. Why? Because a foreclosed home that sits abandoned in a community does not benefit anyone. It decreases surrounding home values and it can attract crime and vandalism. The bottom line is that foreclosures destabilize neighborhoods. The funds in this bill allow communities to stop that death spiral before it starts.

Some argue that stepping in to help our communities recover from the housing crisis would somehow be a blow to the concept of personal responsibility because some homeowners, as I said, made bad choices in signing up for subprime mortgages.

First of all, let me say, don't get me wrong, personal responsibility is important, and that is why we need greater support for homeowner education, for foreclosure counseling, and financial literacy so anyone thinking about buying a home will be able to understand the terms of their mortgage, even the fine print, and have the tools to protect themselves.

What I have a problem with, as I listen to so many in the Chamber, is it seems that personal responsibility is always talked about as it relates to the consumer. Personal responsibility is not just important for homeowners, however. Every participant in the life of a loan needs to step up and take real responsibility and action.

What got us to where we are today? In my mind, unbridled free market extremes, excesses without appropriate regulation or without the attention of regulators has brought us to where we are.

I believe in the free market, but when it is unbridled, this is what happens. Every broker, lender, realtor, every appraiser, regulator, credit rating agency, and investing firm needs to make changes if we have any hope of quieting the storm and not reliving it. The time for blame games is over. The time for action has come.

Third, I hope this body looks carefully at a provision that can help more than 600,000 families stuck in bad loans keep their homes. I know some of my colleagues are very concerned about this provision which would give judges in bankruptcy proceedings the discretion to modify loan terms. But the fact is, this provision is very narrowly tailored, it is a one-time limited fix, and in the end it is a win-win not only for borrowers but lenders alike. This provision alone would help over 14,000 families in my State of New Jersey avoid foreclosure. That would be a savings of about $5 billion in home values alone. My good friend Senator DURBIN has done an excellent job at hammering out a compromise, and I hope my colleagues will give it careful consideration.

It is interesting, under the existing bankruptcy law, if you happen to have the good fortune of having a second home, a vacation home, a leisure home, guess what. The bankruptcy judge can go ahead and change your financial obligations on that home, but the very essence of the American dream, which is the home in which you live, to raise your family, to go through good and bad times, no, that cannot be renegotiated. What an interesting set of values. For a leisure home, we can go ahead and a bankruptcy judge can change the terms, but for those who were sucked into a subprime mortgage who should never have been in those types of mortgages and for which the regulation was not there to ensure there was transparency and ensure there was oversight, oh, no, we cannot touch that. In a place that talks so much about values, I don't understand that set of values.

As we in the Congress debate how best to help homeowners, how best to end the housing crisis and how best to get this economy back on track, we have to see the bigger picture. There is a lot at stake. No matter who you are, no matter whether we have a subprime mortgage, no matter whether we are making our obligations meet or whether we are finding ourselves in distress, we are all in this together. When the house next to ours gets boarded up, it affects the value of our property, too, and how safe we feel walking around our neighborhood at night. When that value goes down, it reduces the equity we have in our home upon which we can borrow to put our kids through college, to take care of an uncovered medical bill or emergency, or even for the resources we will have for our retirement. No one is immune.

So this sense of personal responsibility, yes, but understand that we all have a stake. When a neighbor of ours has to declare bankruptcy and is forever saddled with debt they cannot pay, they shop less at our stores, purchase fewer of the services our community offers, and, obviously, the more foreclosures we see in a neighborhood, property values decline. When those property values decline, rateable bases go down—and that is the way municipalities ultimately receive their resources which means, what? Either taxes have to go up to cover existing services of police, firefighters, education, whatever, or we cut the services. We are all in this together.

When a nonprofit organization in Jersey City is close to finishing the building of its new arts center so it can give kids an opportunity to do something productive after school and stay away from gangs and they cannot get the last bit of money they need because of this credit crunch and housing crisis, it affects us all.

Dr. Martin Luther King reminded us that ''we are all tied in a single garment of destiny'' and that ''we cannot walk alone.'' This is a crisis we are all in together as a nation. And there is no reason we can't all work together to end it. It is in America's interest to do so, and I hope the Senate, which has shown a moment of a possibility of what can be done, seizes that moment

on behalf of our fellow citizens but also on behalf of our collective interest, on behalf of our economy, and, in doing so, on behalf of our Nation.

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

The PRESIDING OFFICER (Mr. MENENDEZ). The Senator from Florida.

Mr. NELSON of Florida. Mr. President, I ask unanimous consent to speak as in morning business.

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

THE RIGHT TO VOTE

Mr. NELSON of Florida. Mr. President, I wish to speak to an issue that is all too familiar to my State of Florida but has now taken on such importance that it is a subject that is all too familiar to the entire country, joined by our sister State, Michigan; it is an issue that is sacred to our democracy. It is the issue of the right to vote and to have that vote counted as it was intended.

A year ago, the Florida legislature passed a bill to move Florida's Presidential primary to an early date on the national election calendar. Their thinking was to give our large and diverse State, which is a microcosm of the entire country, more of a say in the selection of Presidential nominees. This violated the two national parties' rules, and the threat was made that if Florida moved ahead, both the Republican National Committee and the Democratic National Committee would take away half of Florida's delegates. The Florida legislature, despite that, changed the date of Florida's election by law, moving it 1 week earlier than the imposed deadline by the two national parties.

The Florida legislature is controlled by the Republican Party, and the Democrats in the legislature, through their Democratic leader in the Florida House as well as the Florida Senate, offered an amendment to put the date of the Florida primary back to February 5 so it did not violate the two national party rules. That amendment was defeated. The bill went on to final passage.

In addition to the January 29 date for the Presidential primary, it was primarily a bill about election machines and accountability. So on final passage it was clearly going to be a near unanimous vote. Therefore, the Florida legislature passed and the Republican Governor signed into law the new election date.

I repeat that story because people who want to penalize Florida often miss the fact that it was not Florida Democrats who changed the date. Well, we all know what happened after that. Both national parties decided to punish Florida because those parties' rules reserved the early Presidential contest to a handful of other States.

The Republican National Committee, pursuant to their rules, took away half of Florida's delegation. The Democratic National Committee decided to extract an extra pound of flesh and took away all of the delegates of Florida's delegation.

For 8 months now, I have been immersed in a fight to get the chairman of my party to end the stalemate and to seek Florida's delegates and to honor the January 29 primary vote because on that date we had a historic turnout. Some 3.6 million citizens headed to the polls and cast ballots in Florida's Democratic and Republican Presidential primaries.

For me, it is pretty simple. It is a case of fundamental rights versus party rules. So when there could not be a compromise worked out last August, September, and into October, I sued my own party in Federal district court. In December, the Federal judge ruled against my motion, and at that late date it was too late to appeal.

I have continued to push for my party to find a way to seat a delegation from Florida, while giving Floridians a meaningful voice in the selection of their party's nominee. This fight has been based on the principle that, in America, every citizen has an equal right to vote, it is based on a premise that Floridians are entitled to have their votes count as intended, and it is based on a belief that we all deserve a say in picking our Presidential nominees.

More recently, I, along with others, asked the national Democratic Party to look into paying for a mail-in revote. The party declined. The State party proposed it, few people could agree on the specifics, and certainly the candidates themselves couldn't agree on the specifics. Now we are at a point where reaching a solution is critical. And so when we were last in session, about 2½ weeks ago, I asked the two Democratic candidates, who happened to be on the floor that day when we had the session that lasted most of the night, to consider a proposal whereby they would go back to the original rules of the Democratic Party and seat the delegation with half its vote but still based on the January 29 results. This is allowed by the Democratic rules, as it was done by the GOP.

If nothing else, all this brouhaha we now find ourselves in for this election has certainly provided further evidence our system is broken. Yet as to our right to vote and to have that vote count, there can be no debate. The goal is simple. The principle is very simple: It is one person, one vote.

Last fall, I filed legislation in the Senate to require that no vote be cast for Federal office on a touch-screen voting machine starting in the next Presidential election 4 years from now. I also joined the senior Senator from Michigan, Senator LEVIN, to propose a system of six rotating interregional primaries, from March to June, in each Presidential election year. Very soon, I am filing a broader based election reform bill, and this new legislation will abolish the electoral college.

It will be a proposed constitutional amendment and will, therefore, give citizens direct election of their President by the popular vote. We have seen in the history of this country a few times when one candidate gets the most votes, but it is the other candidate that wins because of the archaic electoral college process provided in the Constitution. In this new package, it will have the six rotating interregional primaries that will give both large States and small States a fair say in the nomination process.

This legislation will establish early voting in each State to make it easier for the voter to vote, instead of going on 1 day. It will eliminate machines that don't produce a voting paper trail, so if you have to recount, you don't have just a piece of software, you have the actual paper trail in order to be able to do the recount in an accurate way.

This package will allow every qualified voter in every State to cast an absentee ballot on demand. In some States, you can't cast an absentee ballot unless you fill out some affidavit that says you are not going to be in your city on the day of the election, or that you are sick and you can't get to the election. We ought to make it easy for the voter to vote.

The package will also give grants to States that develop mail-in balloting and grants for pilot studies to study secure Internet voting.

We have had too many of these questions arise in my State of Florida over the years, and perhaps this is why Floridians are so sensitive about this. So I am reaching out to my colleagues. I respectfully ask each of the Senators to make suggestions to make this a better bill. Let's remember it was more than 230 years ago that our Founding Fathers declared all men are created equal, but the country still had to wait another 87 years before President Lincoln signed a proclamation freeing the slaves. It took another 57 years before women in America were allowed to vote.

In 1872, Susan B. Anthony was arrested for voting. After that, she delivered a speech on women's right to vote. ''The ballot,'' she said, ''is the only means of securing the blessings of liberty provided by this government.'' Let me repeat those profound words. ''The ballot,'' Susan B. Anthony said, ''is the only means of securing the blessings of liberty provided by this government.'' Even still, it took another 93 years before our Nation belatedly enacted a law guaranteeing every U.S. citizen an equal right to vote—the Voting Rights Act of 1965.

This country cannot afford to wait another 93 years before we fix the flaws we still see in our election system. The blessings of liberty cannot wait. With what we have seen thus far in this election cycle, the time for election reform is now.

I yield the floor, and 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. NELSON of Florida. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

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

MORNING BUSINESS

Mr. NELSON of Florida. Mr. President, I ask unanimous consent the Senate proceed to a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

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

JUDICIAL NOMINATIONS

Mr. LEAHY. Mr. President, as I listened yesterday to the partisan rhetoric we continue to hear from Senate Republicans on nominations, I am disappointed that the Republican leader is ignoring the majority leader's statement from last May 10.

Today is April Fools' Day. I do not think the American people are fooled or amused by continued partisan bickering over nominations. Indeed, with a massive subprime mortgage crisis that has left so many Americans in dire straights, fearful of losing their homes, the Republican efforts to create an issue over judicial nominees is misplaced. In fact, I have been working hard to make progress and have treated this President's nominees more fairly than Republicans treated those of President Clinton. Judicial nominations are not the most pressing problem facing the country. Indeed, we have worked hard to lower vacancies to the lowest levels in decades. We have cut circuit vacancies in half.

It should be no surprise that the administration would rather focus on having a partisan political fight than the news that, in February, the United States lost 63,000 jobs. To make up for those and other job losses in recent months thanks to this President's policies, this country would need to create 200,000 jobs every month. This administration is apparently more worried about the jobs of a handful of controversial nominees, many without the necessary support of their home State senators, than the loss of jobs by thousands of American workers.

Unemployment is up over 20 percent, the price of gas has more than doubled and is now at a record high average of over $3.20, trillions of dollars in budget surplus have been turned into trillions of dollars of debt with an annual budget deficit of hundreds of millions of dollars, and the trade deficit has nearly doubled to almost $1 trillion. Indeed, just to pay down the interest on the national debt and the massive costs generated by the disastrous war in Iraq—the fifth anniversary of which we tragically marked 2 weeks ago—costs more than $1 billion a day. That is $365 billion each year that would be better spent on priorities like health care for all Americans, better schools, and fighting crime and treating diseases at home and abroad.

Perhaps the only thing that has gone down during the Bush Presidency is judicial vacancies. After the Republican Senate chose to stall consideration of circuit nominees and maintain vacancies during the Clinton administration in anticipation of a Republican Presidency, judicial vacancies rose to over 100. Circuit vacancies doubled during the Clinton years. Since I became Judiciary chairman in 2001, we have worked to cut those vacancies in half.

In the Clinton years, Senator HATCH justified the slow progress by pointing to the judicial vacancy rate. When the vacancy rate stood at 7.2 percent, Senator HATCH declared that ''there is and has been no judicial vacancy crisis'' and that this was a ''rather low percentage of vacancies that shows the judiciary is not suffering from an overwhelming number of vacancies.'' Because of Republican inaction, the vacancy rate continued to rise, reaching nearly 10 percent at the end of President Clinton's term. The number of circuit court vacancies rose to 32 with retirements of Republican appointed circuit judges immediately after President Bush took office.

Then, as soon as a Republican President was elected they sought to turn the tables and take full advantage of the vacancies they prevented from being filled during the Clinton Presidency. They have been extraordinarily successful over the past dozen years. Currently, more than 60 percent of active judges on the Federal circuit courts were appointed by Republican Presidents, and more than 35 percent have been appointed by this President. The Senate has already confirmed three-quarters of this President's circuit court nominees, compared to only half of President Clinton's.

I was here in 1999 when the Republican chairman of the Judiciary Committee would not hold a hearing for a single judicial nominee until June. In contrast, we have scheduled 3 hearings on 11 nominees so far this year. We have a circuit nominee from Texas listed on the Judiciary Committee agenda this week. I wrote to the President during the last recess commending him for nominating someone for a Virginia vacancy to the Fourth Circuit who is supported by Senator WARNER and Senator WEBB, a Republican and a Democrat, and indicated that I would use my best efforts to proceed to that nomination as soon as the paperwork is submitted. I will ask that a copy of that letter be printed in the RECORD at the end of my statement. In that letter, I also informed the President that an anonymous Republican hold had prevented Senate confirmation of the President's nominees to be the Associate Attorney General, the No. 3 position at DOJ, and the Assistant Attorney General for the Civil Division.

Since the resignations of the entire top leadership at the Department of Justice last year in the wake of the scandals of the Gonzales era, I have made restoring the leadership ranks at the Department a priority. Since September, the committee has held seven hearings on executive nominations, including a 2-day hearing for the Attorney General. The Attorney General and the new Deputy Attorney General have been confirmed. But for Republican delays in refusing to cooperate and make a quorum in February, and now the anonymous hold, the Senate would have confirmed two more high-level DOJ nominees.

The partisan rhetoric on nominations rings especially hollow in light of the progress we have made. Last year, the Senate confirmed 40 judges, including 6 circuit judges. The 40 confirmations were more than during any of the 3 preceding years with Republicans in charge. The Senate has now confirmed 140 judges in the almost 3 years it has been run by Democrats and only 158 judges in the more than 4 years it was run by Republicans.

We continue to make progress. Four district court nominations are pending on the Senate's Executive Calendar. I have mentioned the nomination to the Fifth Circuit that is pending on the Judiciary Committee's agenda this week. I have already announced and noticed another hearing this Thursday for four more judicial nominees, two from Virginia and two from Missouri, and for the nominee to be the Assistant Attorney General for the Office of Legal Policy. This will be the Judiciary Committee's fifth confirmation hearing this year.

With respect to the recent nomination of Steven Agee to a Virginia seat in the Fourth Circuit, it is regrettable that Justice Agee's nomination only comes after months of delay when the White House insisted on sending to the Senate the nomination of Duncan Getchell. That nomination did not have the support of either of the Virginia Senators and was withdrawn after the Virginia Senators objected publicly. In fact, the delay in filling that vacancy has lasted years because this President insisted on sending forward highly controversial nominations like William Haynes, Claude Allen, and Duncan Getchell.

In my letter to the President, I wrote that I expect the Judiciary Committee and the Senate to proceed promptly to consider and confirm Justice Agee's nomination with the support of Senator WARNER and Senator WEBB, just as we proceeded last year to confirm the nomination of Judge Randy Smith to the Ninth Circuit, once the President had withdrawn his nomination for a California seat and resubmitted it for a vacancy from Idaho. I urged the President to use the Agee nomination as a model for working with home State senators and Senators from both sides of the aisle. Time is running short.

Senate Democrats should not and have not acted the way Republicans did by pocket filibustering more than 60 of

President Clinton's nominees. I would rather see us work with the President on the selection of nominees that the Senate can proceed to confirm than waste precious time fighting about controversial nominees who he selects in order to score political points. I would also rather see the Senate focus on addressing the real priorities of the country rather than catering only to an extreme wing of the Republican base with controversial nominees.

Mr. President, I ask unanimous consent that the letter to which I referred be printed in the RECORD.

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

U.S. SENATE,
COMMITTEE ON THE JUDICIARY,
Washington, DC, March 20, 2008.

Hon. GEORGE W. BUSH,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: I write again, as I did last November, to demonstrate my willingness to work constructively with you in accordance with the Senate's important role in the consideration of your nominees to high-ranking positions in the executive branch and to lifetime appointments on our Federal courts.

Since last September, the Senate Judiciary Committee has been hard at work seeking to help restore the Department of Justice. The leadership ranks at the Department of Justice were decimated by the scandals of the Gonzales era. The Judiciary Committee's hearing last week was the seventh hearing we have held since September on executive nominations. The Senate has proceeded to confirm a new Attorney General, a new Deputy Attorney General, and numerous other nominations to fill high-ranking positions at the Justice Department.

I regret to inform you that we were stalled last week in our efforts to fill two other critical positions at the Department, when an anonymous Republican hold blocked confirmation of Kevin O'Connor to be the Associate Attorney General, and Gregory Katsas to be the Assistant Attorney General in charge of the Civil Division. I was particularly disappointed with this unexpected development. We had worked hard to expedite these nominations, holding a hearing on the first day of this session of Congress. After a nearly month-long delay, when Republican Members of the Judiciary Committee effectively boycotted our business meetings in February, we were able to report these nominations to the Senate in early March. They were set for confirmation before the Easter recess, until the last-minute Republican objection stalled them. They join your nomination of Michael Sullivan to be the Director of the Bureau of Alcohol, Tobacco, Firearms and Explosives as among those stymied by Republican objections. I trust at any future White House event on the status of nominations you will point out that several of your high-level executive nominations are being stalled by Republican objections.

With respect to judicial nominations, I want to commend you for working with Senators Warner and Webb to identify a nominee from those they recommended to you to fill a Virginia Fourth Circuit vacancy.

Your previous nominations from Virginia, William Haynes, Claude Allen and Duncan Getchell, were controversial and did not proceed. Following your withdrawal of the Getchell nomination earlier this year, I urged you to work with the Virginia Senators. I now thank you for doing so.

I expect your nomination of Steven Agee to be considered promptly following completion of the necessary paperwork. I want to encourage meaningful consultation with Senators of both parties. Just as we proceeded last year to confirm your nomination of Judge Randy Smith to the Ninth Circuit, once you had withdrawn his nomination for a California seat and resubmitted it for a vacancy from Idaho, I expect the Judiciary Committee and the Senate to proceed to confirm Justice Agee with the support of Senator Warner and Senator Webb. I urge you to work with Senators from other states, as well, so that we might make progress before time runs out on your Presidency and the Thurmond Rule precludes additional confirmations.

Your judicial nominations have fared far better than those of your Democratic predecessor. Nearly 90 percent of your nominations have been confirmed to lifetime appointments. Approximately three-quarters of your circuit nominations, compared to little more than half of President Clinton's circuit court nominations, have been confirmed. We have succeeded in reducing overall vacancies and circuit court vacancies to as few as half as many as during President Clinton's term. With four more judicial nominations on the Senate's Executive Calendar and another pending on the Senate Judiciary agenda, I am proceeding to notice another hearing for judicial nominees for the week immediately following the Easter recess. That will be our fifth nominations hearing so far this year.

Respectfully,

PATRICK LEAHY,
Chairman.

HONORING WALTER F. MONDALE

Mr. LEAHY. Mr. President, this weekend, Marcelle and I will attend an event at the University of Minnesota Law School to honor the life and career of Vice President Walter Mondale on the occasion of his 80th birthday which he reached in January.

Vice President Mondale is a valued friend whom I proudly consider one of my mentors in the Senate. As I reviewed materials for this weekend, I came across an editorial by Vice President Mondale that appeared in the Washington Post on July 27, 2007 entitled ''Answering to No One.'' The editorial provides an excellent perspective on the Office of the Vice President and how that office evolved in recent history.

In order to remind all Senators and their staffs about this insightful article, I ask unanimous consent that the editorial be printed in the CONGRESSIONAL RECORD.

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

ANSWERING TO NO ONE
(By Walter F. Mondale)

The Post's recent series on Dick Cheney's vice presidency certainly got my attention. Having held that office myself over a quarter-century ago, I have more than a passing interest in its evolution from the backwater of American politics to the second most powerful position in our government. Almost all of that evolution, under presidents and vice presidents of both parties, has been positive—until now. Under George W. Bush and Dick Cheney, it has gone seriously off track.

The Founders created the vice presidency as a constitutional afterthought, solely to provide a president-in-reserve should the need arise. The only duty they specified was that the vice president should preside over the Senate. The office languished in obscurity and irrelevance for more than 150 years until Richard Nixon saw it as a platform from which to seek the Republican presidential nomination in 1960. That worked, and the office has been an effective launching pad for aspiring candidates since.

But it wasn't until Jimmy Carter assumed the presidency that the vice presidency took on a substantive role. Carter saw the office as an underused asset and set out to make the most of it. He gave me an office in the West Wing, unimpeded access to him and to the flow of information, and specific assignments at home and abroad. He asked me, as the only other nationally elected official, to be his adviser and partner on a range of issues.

Our relationship depended on trust, mutual respect and an acknowledgement that there was only one agenda to be served—the president's. Every Monday the two of us met privately for lunch; we could, and did, talk candidly about virtually anything. By the end of four years we had completed the ''executivization'' of the vice presidency, ending two centuries of confusion, derision and irrelevance surrounding the office.

Subsequent administrations followed this pattern. George H.W. Bush, Dan Quayle and Al Gore built their vice presidencies after this model, allowing for their different interests, experiences and capabilities as well as the needs of the presidents they served.

This all changed in 2001, and especially after Sept. 11, when Cheney set out to create a largely independent power center in the office of the vice president. His was an unprecedented attempt not only to shape administration policy but, alarmingly, to limit the policy options sent to the president. It is essential that a president know all the relevant facts and viable options before making decisions, yet Cheney has discarded the ''honest broker'' role he played as President Gerald Ford's chief of staff.

Through his vast government experience, through the friends he had been able to place in key positions and through his considerable political skills, he has been increasingly able to determine the answers to questions put to the president—because he has been able to determine the questions. It was Cheney who persuaded President Bush to sign an order that denied access to any court by foreign terrorism suspects and Cheney who determined that the Geneva Conventions did not apply to enemy combatants captured in Afghanistan and Iraq.

Rather than subject his views to an established (and rational) vetting process, his practice has been to trust only his immediate staff before taking ideas directly to the president. Many of the ideas that Bush has subsequently bought into have proved offensive to the values of the Constitution and have been embarrassingly overturned by the courts.

The corollary to Cheney's zealous embrace of secrecy is his near total aversion to the notion of accountability. I've never seen a former member of the House of Representatives demonstrate such contempt for Congress—even when it was controlled by his own party. His insistence on invoking executive privilege to block virtually every congressional request for information has been stupefying—it's almost as if he denies the legitimacy of an equal branch of government. Nor does he exhibit much respect for public opinion, which amounts to indifference toward being held accountable by the people who elected him.

Whatever authority a vice president has is derived from the president under whom he

serves. There are no powers inherent in the office; they must be delegated by the president. Somehow, not only has Cheney been given vast authority by President Bush—including, apparently, the entire intelligence portfolio—but he also pursues his own agenda. The real question is why the president allows this to happen.

Three decades ago we lived through another painful example of a White House exceeding its authority, lying to the American people, breaking the law and shrouding everything it did in secrecy. Watergate wrenched the country, and our constitutional system, like nothing before. We spent years trying to identify and absorb the lessons of this great excess. But here we are again.

Since the Carter administration left office, we have been criticized for many things. Yet I remain enormously proud of what we did in those four years, especially that we told the truth, obeyed the law and kept the peace.

AMERICA'S WOUNDED WARRIORS ACT

Mr. BURR. Mr. President, today I rise to discuss S. 2674, a bill I introduced to improve and modernize the disability system of the Department of Defense and Department of Veterans Affairs so that it meets the needs of both our older generations of veterans and our wounded warriors coming home today.

One of the most sacred trusts we make is the one with our veterans. Their sacrifices, and the sacrifices of their families, are inspiring. The desire to provide these heroes with the benefits and services they need and deserve is certainly something we can all agree on.

With this sacred trust in mind, I recently introduced legislation to ensure veterans have a disability system that we can all be proud of—a system that is updated to reflect the modern day, is consistent, is not overly bureaucratic, and meets the needs of all generations of veterans.

The challenges facing our newer veterans are apparent. Over the past few years, I have met with many young servicemembers, some from my home State of North Carolina, who have suffered devastating injuries while serving in Iraq and Afghanistan. Almost as remarkable as their courage and their can-do attitudes, is their outlook about the future.

These wounded warriors rightfully expect that serious injuries should not prevent them from living productive and fulfilling lives. In fact, many want nothing less than to return to their units, and with modern medicine and technology, many are doing just that.

But for those who are not able to continue serving, like Ted Wade from my home State, they deserve a disability system that meets their needs and expectations. We should be giving them—in a quick, hassle free, and effective way—the benefits and services they need to return to their full and productive lives.

But, the need for an improved system became very clear last year, when news reports detailed how some seriously injured servicemembers at Walter Reed endured a lengthy, hard-to-understand, bureaucratic process to try to get their disability benefits. This left many injured servicemembers and their families frustrated, confused, and disappointed. It left our Nation angry and ashamed.

Let me give you a brief idea of what an injured servicemember may have to go through. Consider a young soldier who is injured in Iraq and is no longer fit for duty because of his injuries. Before he can be discharged from the military, he may go through a lengthy, complex process with the Department of Defense to be assigned a disability rating between 0 percent and 100 percent.

If the rating is high enough—30 percent or more—he will get a lifetime annuity, health care for his entire family, exchange and commissary privileges, and other benefits. If it is below 30 percent, he will get only a lump-sum severance payment. But there have been no bright-line rules on how these ratings are assigned. Each branch of the military has used different procedures, so servicemembers in various branches often receive different ratings even for the same injuries.

After going through that confusing process, the injured soldier may then go through a similar bureaucratic process with the Department of Veterans Affairs to get a VA rating. That rating will determine not only the level of monthly disability compensation he will receive from VA, but eligibility for other benefits and services such as vocational rehabilitation and priority access to VA health care.

As if all of that isn't confusing enough, both DOD and VA assign those disability ratings based on the same VA rating schedule, but the ratings are often different. And, there are complicated rules over how much of the benefits from DOD and VA the veteran may receive at the same time. If those watching today are as confused by that description of the process as I am, imagine what our veterans have to endure.

On top of all that, the rating schedule used by both VA and DOD to determine who gets these critical benefits is completely outdated. This schedule was developed in the early 1900s and about 35 percent of it has not been updated since 1945.

The schedule is also riddled with outdated criteria that do not track with modern medicine. Take for example traumatic arthritis. The rating schedule requires a veteran to show proof of this condition through x-ray evidence. But doctors today would generally diagnose the condition using more modern technology, like an MRI.

Even worse, experts are telling us the schedule is not adequate for rating conditions like post-traumatic stress disorder and traumatic brain injury, which are afflicting so many of our veterans from the war on terror. Also, experts have told us that the schedule does not adequately compensate young, severely disabled veterans; veterans with mental disabilities; and veterans who are unemployable.

So, it's completely understandable why so many veterans are frustrated and confused by this system. The question is:

How do we fix it?

To help answer that question, two distinguished commissions issued reports last year laying out the problems with the system and giving us a road map to a modern, more consistent, and simpler system. One commission, the President's Commission on Care for America's Returning Wounded Warriors, was chaired by former Senator Bob Dole and former Secretary Donna Shalala. The other, the Veterans' Disability Benefits Commission, was chaired by General James Terry Scott.

Here are just a few examples of what these commissions found:

> Despite their disability systems' different intents, processes, and outcomes, DOD and VA use the same outdated rating schedule . . . . [which] has not been completely revised since 1945.
>
> [T]he policies and procedures used by VA and DOD are not consistent and the resulting dual systems are not in the best interest of the injured servicemember nor the nation.
>
> The purpose of the current veterans disability compensation program . . . is to compensate for average impairment in earning capacity . . . This is an unduly restrictive rationale for the program and is inconsistent with current models of disability.
>
> The goal of disability benefits should be rehabilitation and reintegration into civilian life'' but that goal ''is not being met.

These two commissions strongly recommended that we need to: get rid of the overlapping, confusing roles of VA and DOD in the disability rating process; completely update the VA disability rating schedule; compensate veterans for any loss of quality of life, while also compensating them for any loss in their earnings capacity; and place more emphasis on the treatment and rehabilitation of injured veterans.

As the Dole-Shalala Commission cautioned, ''We don't recommend merely patching the system, as has been done in the past. Instead, the experiences of these young men and women have highlighted the need for fundamental changes.''

What's interesting to note here is that similar changes to the system were recommended in 1956 by a commission led by General Omar Bradley. Back in the 1950s, the Bradley Commission wrote in its report: ''Our philosophy of veterans' benefits must . . . be modernized and the whole structure of traditional veterans' programs brought up to date.'' If my math is right that was over 50 years ago. Clearly, we are long overdue for some improvements.

I believe the bill I introduced will start us on the right path to making this system more straight-forward, consistent, and modern. Let me give you an idea of what America's Wounded Warriors Act would do.

First, the bill would simplify the DOD process and make it more consistent. Any servicemember found unfit for duty—regardless of the severity of the disability—would receive a lifetime annuity based on rank and years of service and would receive other retirement benefits, such as commissary and exchange privileges. Eligibility for TRICARE would be determined by Congress or DOD, after further studies on that issue.

These changes would get DOD out of the business of assigning disability ratings, ending the duplicative system that now makes injured veterans get rated by both DOD and VA. It would also create a bright line rule on what benefits a medically discharged servicemember would receive. Different branches of the military would no longer provide different levels of benefits to servicemembers with the same injuries.

Under my bill, veterans would receive both their entire DOD annuity plus any VA disability benefits they are eligible for. This would put an end to the confusing practice of offsetting some DOD and VA benefits.

This bill would also help modernize the VA disability system. The VA's outdated disability rating schedule would be entirely replaced by a new schedule that is based on modern science and medicine. It will also take into account the impact that a disability has on both a veteran's average loss of earning capacity and loss of quality of life. As we now know, quality of life—time spent with family, community and nonwork activities—is also affected by disability. Shouldn't our disability system reflect the impact service-related disabilities have on those important aspects of life, too?

Also, this bill would provide more emphasis on treatment and rehabilitation. Veterans discharged from service because of disability would be eligible for transition payments, either during the three month period following their separation or during a period of rehabilitation. These payments would help cover family living expenses, so an injured veteran would be better able to focus on rehabilitation, training, and getting back into the workforce. These are commonsense options and solutions for today's veterans living in the modern world.

Lastly, I want all veterans, whether having served in World War II, Vietnam, or Afghanistan, to have access to an improved system. My bill does not distinguish between combat and noncombat injuries; does not leave the outdated rating schedule in place; and does not prevent veterans of any generation from choosing to join the new, improved system. Also, as recommended by veterans' organizations, my efforts were guided by the work of both the Dole-Shalala Commission and the Veterans' Disability Benefits Commission.

How will we actually accomplish the goals of making the system simpler, consistent and more modern? Under this bill, the Department of Veterans Affairs would conduct a series of studies and would send to Congress a proposal outlining a new rating schedule and the amount and duration of transition payments. To make sure these recommendations don't get put on a shelf to collect dust—as has happened in the past—the entire VA proposal would be subject to an up-or-down vote by Congress.

If these changes are enacted, it would eliminate the confusion and delay now caused by the overlapping VA and DOD functions and put a greater emphasis on the recovery of our wounded servicemembers. It would update the rating system to take into account modern concepts of disability and make sure that veterans are compensated for any loss in their quality of life.

As a final note, I want to acknowledge that reforming the disability system may require a large, upfront cost. But, if we do it right, we will be making a real investment in the future of our nation's veterans. Given the character of the men and women of our Armed Forces, this investment will come with little risk and great reward.

We cannot put this off for another 50 years and hope another generation will fix the disability system later. We have young men and women returning home from war with devastating injuries that most of us could not fathom enduring, let alone at such young ages.

The sad truth is that, even though the disability system was already outdated more than five decades ago, Congress and past administrations have not made the necessary changes to keep pace with modern society, a changing economy, and new attitudes towards disability. I believe I have an idea why: This is really hard stuff. This is a complicated system and it is often easier to use band-aids and quick fixes to get us through times of crisis. But, the Walter Reed stories showed all of us last year that wounded warriors—those injured while fighting in Iraq and Afghanistan—are the ones who pay the price for our inaction. And every day we continue to wait is another day they continue to pay that price. They deserve better.

We need to listen to the wake-up call that the Walter Reed stories sent all of us. We must act now, and that is why I have introduced a bill that will update the system to meet the needs and expectations of today's veterans and does not leave tomorrow's veterans with a system that was already outdated before they were even born. Our veterans deserve a system that is more straightforward, up-to-date, and consistent and that is open to all.

Mr. President, I urge my colleagues to remember the ''call to action'' we received last year when serious problems were publicly exposed at Walter Reed, and I ask them to join me in improving the lives of our veterans.

RETIREMENT OF DR. MICHAEL DAVID FREED

Mr. KENNEDY. Mr. President, I welcome this opportunity to pay tribute on the occasion of his retirement to Dr. Michael David Freed of Children's Hospital Boston for his service to the hospital and the thousands of children and young adults from Massachusetts and beyond who have benefited from his care.

Dr. Freed has had a long and distinguished career at the hospital and Harvard Medical School, beginning in 1970, when he arrived to complete his fellowship training. At Children's Hospital, he rose to become senior associate in cardiology in 1976 and chief of the Division of Inpatient Cardiology in 1996.

Dr. Freed is a physician's physician. His commitment to providing the best possible care for children with heart disease is unwavering. He has used his breadth and depth of knowledge, his clarity of thought, his empathy, and his sense of humor to train more than 200 pediatric cardiology fellows and innumerable pediatric residents in the fundamentals of congenital heart disease. As a member of the Sub-board of Pediatric Cardiology, he ensured the highest quality of care by setting standards for board certification for young pediatric cardiologists.

At Children's Hospital, Dr. Freed has chaired or served on more than two dozen committees, projects, and task forces, ranging from quality improvement and patient care to graduate medical education and governance. His contributions extend well beyond Boston. He has served on the executive committees of all three major national organizations in his field—the American Heart Association, the American Academy of Pediatrics, and the American College of Cardiology, where he currently serves on the board of trustees. He is also a member of editorial boards in the field of cardiology, and regularly has been included on lists of ''top physicians'' ranging from the book ''Best Doctors in America'' to Good Housekeeping and Boston Magazine. He is consulted by other pediatric cardiologists from around the world who seek his opinion on the care of their patients.

Dr. Freed has also written extensively in the field of pediatric cardiology and cardiac surgery and is particularly recognized for his work in the newborn physiology of congenital heart disease, infective endocarditis, and valvular heart disease. He has authored more than 60 original articles, contributed more than 40 reviews, chapters, and editorials, and developed more than 25 clinical communications and instructive CD ROMs. His leadership in establishing clinical practice guidelines for early postoperative management of children in Boston undergoing open-heart surgery was a model for the development of such guidelines nationally. In addition, he has been a member of national working groups to develop guidelines on optimal care of individuals with heart disease.

I commend Dr. Freed for his outstanding career and his achievements in improving the quality of care for children and young people with congenital heart disease in Boston and throughout the world, and I wish him well in retirement.

HONORING OUR ARMED FORCES

STAFF SERGEANT MICHAEL D. ELLEDGE

Mr. SALAZAR. Mr. President, I rise today to honor the life of SSG Michael Elledge of Fort Carson, CO. On March 17, a bomb exploded near the humvee Sergeant Elledge was driving, killing him and SPC Christopher C. Simpson, of Hampton, VA. Sergeant Elledge was assigned to C Company, 1st Battalion, 68th Armored Regiment, 4th Infantry Division, out of Fort Carson, CO. He was 41 years old.

Those who knew Mike Elledge describe him as a man committed to his family, faith, and duty to his country. He first donned a uniform after graduating from high school in Michigan in 1985. He served 4 years with the Marines. After discharging, he became a licensed aircraft mechanic and moved to Indiana, where he took a job with United Airlines. For 14 years he worked for United, lived in Brownsburg, and raised three children—Christopher, Caleb, and Cassidy—with his wife Carleen.

But Mike's life changed after the attacks of September 11, 2001. We cannot forget that the tragedies of that day were not confined to New York, Washington, and Pennsylvania. The ripples quickly spread to all corners of the country as people learned of friends and family members who were hurt or killed and as the economic impacts hit home with job losses and dislocations.

Mike was among the tens of thousands of Americans who lost their job in the wake of the September 11 attacks. United Airlines, struggling to recover after the disaster, closed the doors on its Brownsburg facility, leaving Mike without a job.

We each have our own way of confronting adversity in our lives. For Michael Elledge, the terror and tragedy of September 11 was a call to service—a call to reenlist. So, at age 38, Sergeant Elledge joined the Army. In 2005, he deployed to Iraq for a 1-year rotation. Last December, he and the Third Brigade Combat Team out of Fort Carson deployed again, this time for a projected 15-month tour.

Sergeant Elledge carried his deeply rooted faith into battle with him. His friends say he was passionately committed to helping Iraqis build a country where they could enjoy freedom and security. For this, Sergeant Elledge embodied the best of a soldier—he was devoted to his duty with the knowledge that his service could make others' lives better.

This is the type of citizen that Americans have celebrated for generations. President Theodore Roosevelt, in a speech at the Sorbonne in Paris in 1910, praised the values that Sergeant Elledge embodied and claimed that it is the ''man in the arena'' who makes history.

''It is not the critic who counts,'' said President Roosevelt, ''not the man who points out how the strong man stumbles, or where the doer of deeds could have done them better. The credit belongs to the man who is actually in the arena, whose face is marred by dust and sweat and blood; who strives valiantly; who errs, who comes short again and again, because there is no effort without error and shortcoming; but who does actually strive to do the deeds; who knows great enthusiasms, the great devotions; who spends himself in a worthy cause; who at the best knows in the end the triumph of high achievement, and who at the worst, if he fails, at least fails while daring greatly, so that his place shall never be with those cold and timid souls who neither know victory nor defeat.''

Mr. President, Sergeant Elledge knew what a difference he could make and was not afraid to make it. He was the ''man in the arena'' for whom President Roosevelt had such high praise.

No words or ceremony, of course, can properly honor the life and loss of a soldier like Sergeant Elledge, but we wish to console his friends and family and remember his contributions. That is why scores of firefighters lined the overpasses of Sacramento, CA, to honor his return; that is why flags are flying in his hometown of Placerville, MI; and that is why the bugles will sound at Fort Carson in Colorado Springs.

To Sergeant Elledge's wife, Carleen, his sons, Christopher and Caleb, his daughter, Cassidy, his parents, Marion and Christopher, and to all his friends and family, our thoughts and prayers are with you. No words can lessen the pain and grief that you feel, but I hope that in time your sorrow will be salved by the knowledge that Mike served his country with honor and that we are all grateful for his courage, his sacrifice, and his heroism. He will never be forgotten.

STAFF SERGEANT DAVID D. JULIAN

Mr. BARRASSO. Mr. President, I rise today to express our Nation's deepest thanks and gratitude to a special young man and his family. I was saddened to receive word that on March 10, 2008, SSG David Julian of Evanston, WY, was killed in the line of duty while serving our country in the war on terrorism. Along with four of his fellow soldiers, Staff Sergeant Julian died from injuries he sustained in a suicide bomber attack in Baghdad, Iraq.

Staff Sergeant Julian was assigned to D Company, 1st Battalion, 64th Armor Regiment, 3rd Infantry Division, Fort Stewart, GA. He joined the Army right after his graduation from Evanston High School in 1994. He loved the Army and his country and was serving his fourth tour of duty in Iraq. Following his first tour, he laid the wreath for the dedication of the Fallen Comrade Memorial in downtown Evanston. He was laid to rest in his hometown, where he was remembered by family and friends as a determined and courageous warrior, an honorable soldier, and a loving husband and father.

It is because of David Julian that we continue to live safe and free. America's men and women who answer the call to service and wear our Nation's uniform deserve respect and recognition for the enormous burden that they willingly bear. They put everything on the line every day, and because of them and their families, our Nation remains free and strong in the face of danger.

In the Book of John, Jesus said that, ''Greater love has no man than this, that he lay his life down for his friend.'' SSG David Julian gave his life, that last full measure of devotion, for you, me, and every single American. He gave his life defending his country and its people, and we honor him for this selfless sacrifice.

Staff Sergeant Julian is survived by his wife Erin and baby daughter Elizabeth, his mother Bonnie and father Wally, brothers Eric, Chris, and Mark, and sisters Misty, Becky, and Kellee. He is also survived by his brothers and sisters in arms of the U.S. Army. We say goodbye to a husband, a father, a son, a brother, and an American soldier. Our Nation pays its deepest respect to SSG David D. Julian for his courage, his love of country, and his sacrifice, so that we may remain free. He was a hero in life and he remains a hero in death. All of Wyoming, and indeed the entire Nation, is proud of him. May God bless him and his family and welcome him with open arms.

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

SECOND CHANCE ACT OF 2007

• Mr. OBAMA. Mr. President, I wish to speak in favor of the Second Chance Act of 2007, a bill to strengthen community safety by improving the reintegration of people returning from prison. The Senate recently passed this measure, and I am proud to have worked over the past few years with Senators BIDEN, BROWNBACK, and SPECTER to see this important bill reach this point. Having passed in the House as well, the Second Chance Act is now ready for President Bush's signature, and I urge him to sign this bill into law as soon as possible.

We have a broken criminal justice system and too many people are caught in its web, especially African-American men, nearly a third of whom will enter State or Federal prison during their lives. What is equally tragic is that nearly two-thirds of the 1,800 people released from prison every day return to jail within 3 years.

The stark reality is that most communities where prisoners go upon release already struggle with highly concentrated poverty, unemployment,

fragile families, and a dearth of jobs. And even if released prisoners do find a promising job opportunity, they often face employer resistance to hiring people with criminal backgrounds. In many cases, they will fail to become fully rehabilitated and go on to commit more crimes.

We must end this revolving door of failure. We must create a pathway for people coming out of jail to get the jobs, skills, and education they need to reject a life of crime in favor of honest contributions to their communities.

There is no question that breaking the law should have consequences. And it is true that we have to do more as parents to teach our children that violence is always wrong. But if convicted offenders are not given the tools they need to become constructive members of our communities after they serve their time, we all suffer the consequences.

That is why the passage of the Second Chance Act is so important. This measure will support faith- and community-based organizations working with State and local authorities to give former prisoners a second chance at a meaningful life. It makes funding available for transitional jobs programs and housing, for support health services, and educational needs. Moreover, priority is given to projects that serve communities with large ex-prisoner populations and to those that do a good job of reintegrating their participants.

Again, I commend my colleagues in the Senate and House of Representatives, Democrats and Republicans, who supported the Second Chance Act. I urge the President of the United States to act quickly to enact this bill into law.●

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

VISIT OF AUSTRALIAN PRIME MINISTER KEVIN RUDD

● Mr. OBAMA. Mr. President, I would like to extend my sincere welcome to the Honorable Kevin Rudd, who is making his first trip to the United States as the newly elected Prime Minister of Australia. This is a historic visit during a time of transition for both our nations.

Yesterday, I spoke with Prime Minister Rudd and congratulated him on his election as the first Labor Party Prime Minister in 11 years. I assured him of my personal commitment to maintaining a strong bilateral relationship between our nations in the years to come and discussed our common interest in advancing peace and prosperity for the people of the United States, Australia, and the world.

The alliance between the United States and Australia is deep and strong and has stood the test of changing times. Labor Party leader John Curtain, along with President Franklin D. Roosevelt, established the United States-Australia alliance in 1942. Prime Minister Rudd's trip affirms the strategic value of this relationship and the friendship between our people, which has endured across generations and administrations.

The United States-Australia alliance is a cornerstone of security and prosperity both in the Asia-Pacific region and globally. Our two nations are bound by shared interests, shared values, and a common heritage—bonds that were forged in all major wars the United States was involved in during the 20th century, a distinction unique to Australia. And, as a new century dawns, we are beginning to write a new and important chapter in the bilateral relationship.

Indeed, during his first press conference the day after his election, Prime Minister Rudd reiterated his strong commitment to the United States-Australia alliance, a deep commitment to a partnership of equals that I share.

Like the United States, Australia is trans-Pacific in orientation, and for this reason our perspectives and perceptions about regional and global affairs are often tightly aligned. The United States benefits from an Australia that can act as a regional leader in East Asia but one with global interests and capabilities as well.

The Prime Minister's visit provides an opportunity for the people of America to express our deep appreciation for Australia's contributions in combating al-Qaida. We will never forget that following the attacks on September 11, 2001, Australia invoked the ANZUS treaty in support of the United States.

Australia has deployed some 1,000 troops in Afghanistan to the International Security Assistance Force, as well as about 1,500 combat and support troops in Iraq. Prime Minister Rudd has also demonstrated real leadership in tackling the critical global challenge of climate change. Within a few weeks of assuming office, the Prime Minister successfully pushed for the ratification of the Kyoto Protocol as one of the first official acts of his administration. He personally led Australia's delegation to Bali, Indonesia, to participate in international negotiations on a post-Kyoto protocol.

In Asia, the quality of our alliance and scope of our diplomatic partnership shine brightly. We both face a rapidly evolving security order defined by traditional and nontraditional security problems. These include changing regional power dynamics and rivalries, territorial disputes, resource competition, terrorism, proliferation of weapons of mass destruction, failed states, environmental degradation, and pandemic diseases. Managing this complex blend of security challenges requires leveraging both bilateral and multilateral mechanisms.

The Asia-Pacific Economic Cooperation, APEC, organization, in which Australia took the lead in creating in 1989, has advanced economic liberalization and integration throughout the Asia-Pacific. Australia's involvement in the East Asia Summit since its inception is a welcome development. The Trilateral Security Dialogue among the United States, Australia, and Japan has become an important channel for coordinating policy and combining capabilities in addressing emerging security challenges in the Asia-Pacific.

As the security order in Asia evolves, Australian participation, leadership, and defense of our common values and interests are critical to building open, inclusive, transparent, and flexible regional structures and arrangements. The new arrangements cannot replace America's bilateral alliances—alliances which are not directed at any one nation but which have served as the foundation for peace and stability in Asia for nearly half a century. But these new mechanisms, building on our traditional alliances, can help sustain the conditions for Asia's peace and prosperity to continue.

Prime Minister Rudd brings special skills and experiences to this new chapter in United States-Australia relations. His progressive domestic policy agenda, innovative and realistic diplomacy, and optimistic vision enrich the already solid base of our bilateral dialogue, reminding us that we can accomplish more when we listen to our friends and allies than when we lecture them.

Prime Minister Rudd's visit is an opportunity to rededicate ourselves to the United States-Australia alliance and to our broader bilateral relationship. America's foreign policy, national security and economic interests gain greatly from the deep ties with our friends down under.●

ADDITIONAL STATEMENTS

RECOGNIZING THE ECONOMIC DEVELOPMENT CENTER

● Mr. BOND. Mr. President the first small business incubator in St. Charles County was opened 15 years ago in March 1993 by the Economic Development Center at 5988 Mid Rivers Mall Drive in St. Peters, MO.

The EDC business incubator has become a landmark in the heart of St. Charles County serving as a beacon for new entrepreneurs and business owners and hosting countless special events for the business community and general public.

More than 150 companies with 500 jobs have graduated from the EDC incubator into the general marketplace and grown those jobs into more than 1,000 impacting St. Charles County and the St. Louis region.

The EDC incubator facilities provide startup assistance, month-to-month leases, shared office equipment, conference rooms, professional support staff, and access to important resources such as training and financial assistance; and,

When the EDC opened its doors in 1993, St. Charles County had a total labor force of 132,602, total population of 232,360, and total assessed valuation of less than $2 billion.

Thanks to the efforts of the EDC and a myriad of organizations and individuals in St. Charles County, today the area has a total labor force of 189,862, total population of nearly 350,000, and total assessed valuation of more than $7 billion.

Local community leaders in business and government along with State and Federal officials helped to foster the development and dynamic 15-year track record of the EDC's business incubator and other specialized business services.

The tremendous impact and importance of the Economic Development Center's small business incubator facility will certainly continue to grow successful businesses, well-paying local jobs, the expanding local tax base, and the exceptional quality of life enjoyed in St. Charles County, MO.●

TRIBUTE TO ROBERT DOOLEY

● Mr. BOND. Mr. President, since his college graduation from Quincy University in 1982, Mr. Robert Dooley has been teaching high school and middle school band and vocal music at Clark County R–1 High School. Throughout his teaching career, Mr. Dooley has instructed 2,823 students in band alone at the Clark County R–1 High School. In addition, Mr. Dooley has brought together over 150 parents and volunteers to bolster the Fine Arts Booster Organization in Clark County, which has fundraised, supported, and made possible the fine arts department in Clark County.

Clark County R–1 School has one of the finest music and band programs in the State of Missouri. In 2006 Mr. Dooley was named Kiwanis Club Teacher of the Year and received the Missouri Association of Rural Education Outstanding Rural Secondary Teacher of the Year Award. In June 2008, the Marching Indians will be traveling to Hawaii to march in the King Kamehameha Parade and will perform at Pearl Harbor aboard the USS *Missouri*. These achievements are due largely to Mr. Robert Dooley's commitment to excellence in teaching and inspiring the young musicians in Clark County.

Having a strong school system is a strong asset for any community. Mr. Dooley's talents and achievements in teaching at Clark County R–1 School have added great value to the Clark County R–1 School district and the lives of the children and families in that community. ●

ARTHUR LYONS: IN MEMORIAM

● Mrs. BOXER. Mr. President, I wish to honor and share with my colleagues the memory of a very special man, Arthur Lyons of Palm Springs, who died March 21, 2008. He was 62 years old.

Arthur Lyons was a man of many talents and will be fondly remembered for his groundbreaking work with film noir cinema, his success as an author, his dedication to the city of Palm Springs, and his love for the environment.

Arthur was born on January 5, 1946, in Los Angeles, CA. His family moved to Palm Springs when Arthur was 11. After graduating from the University of California at Santa Barbara in 1967, Arthur tapped into his lifelong passion for film noir and began writing as a novelist, a screenwriter for Universal Studios, and as a cofounder of the Writers Conference, among other projects.

Arthur wrote his first novel, ''The Dead Are Discreet'', in 1974 and went on to author 23 more books, many of them mystery novels, including the successful Jacob Ashe detective series. His nonfiction sensation, ''Death on the Cheap: The Lost B Movies of Film Noir'', reflected his interest in film noir cinema, the traditional Hollywood crime dramas of the 1940s and 1950s. After writing crime novels for over 25 years, Arthur partnered with Craig Prater in 2001 to launch the Palm Springs Film Noir Festival—one of the first such festivals in the Nation. A man of unbridled enthusiasm for the film noir style, Arthur would encourage attendees to dress up in mobster-style clothing that was typical of that Hollywood era.

A member of the Palm Springs City Council from 1992 to 1995, Arthur was an advocate of energy deregulation in California and helped create Palm Springs Energy Services. During his time on the city council, Arthur also helped to create Palm Springs Villagefest, a street fair held every Thursday that hosts food booths, a certified farmer's market, and craft and artisan booths. In recognition of his positive contributions to the Palm Springs community, Arthur was honored with the 287th Golden Palm Star on May 30, 2007.

Those who knew Arthur Lyons recognized him as a uniquely passionate and brilliant man. He took pride in promoting causes that he held close to his heart. His work as an author, screenwriter, director, and elected official will be remembered fondly by all those whose lives he touched. He will be deeply missed.

Arthur is survived by his wife Barbara Lyons and his uncle David Lyons.●

RECOGNIZING THE BAY AREA GREEN BUSINESS PROGRAM

● Mrs. BOXER. Mr. President, I take this opportunity to recognize the 10th anniversary of the Bay Area Green Business Program in Contra Costa County, the Contra Costa Green Business Program.

Founded in 1998, the Contra Costa Green Business Program was one of the first green business programs to be established in the nine-county Bay area region. Composed of a partnership between local, regional, State, and Federal Government agencies and utilities, the Bay Area's Green Business Programs help local businesses throughout the Bay area proactively conserve resources, prevent pollution, and minimize waste.

Californians have always led the way in fighting for a clean environment. I applaud the Contra Costa Green Business Program for strengthening and sustaining the quality of the environment in the county through a collaborative partnership of public and private organizations that encourages, enables, and recognizes businesses taking action to prevent pollution and conserve resources.

Breaking with the tradition of environmental initiatives targeting big businesses, the Contra Costa Green Business Program offers small- to medium-sized businesses a complete environmental guide, scaled to their operations, for conserving energy and water, reducing waste, preventing pollution, and complying with environmental regulations. It also certifies and recognizes businesses of all types for meeting these rigorous environmental standards.

The Contra Costa Green Business Program has certified over 300 businesses throughout the county in the last 10 years. I commend the program's dedicated staff and volunteers who work diligently to show local businesses how they can be both green and profitable at the same time. By recommending a wide range of measures that help lessen greenhouse gas emissions and conserve resources, the Contra Costa Green Business Program is helping smaller businesses protect the climate in very meaningful ways.

I congratulate the Contra Costa Green Business Program for its dedicated work on this special occasion, and I send my best wishes for many future successes over the next 10 years.●

TRIBUTE TO REBBECA WOOD WATKIN

● Mrs. BOXER. Mr. President, I am pleased and honored to salute my dear friend Rebecca ''Becky'' Wood Watkin as she celebrates her 95th birthday.

Born on April 4, 1913, in Portland, OR, Becky graduated from Bryn Mawr College in 1933 and went on to the University of Pennsylvania to study architecture. Undeterred by the fact that the Architecture Department did not accept female students at that time, Becky completed all required courses and became the first woman graduate in architecture from the University of Pennsylvania in 1937. That same year, Becky relocated to San Francisco and applied at a variety of architectural firms, none of which wanted a woman in the drafting room. Despite her difficulties with finding employment in the male-dominated workforce, Becky persevered, earning her California architectural license in 1944.

A vanguard for aspiring women professionals everywhere, Becky opened her own architectural practice in Marin County in 1951. In the midst of these professional milestones, Becky also gave birth to three wonderful children. As a working mother, Becky looked for ways to use her personal and professional talents to help those in need, becoming a tremendous source of support and energy to causes that she believed helped the community, including the Ecumenical Housing Association and Planned Parenthood.

Mr. President, 1948 saw Becky enter the political realm for the first time, by fundraising for Roger Kent, a local Democratic candidate for Congress. This initial political activity 60 years ago spearheaded a lifelong involvement with Democratic politics, a passion of Becky's that allowed her to work on the presidential campaigns for Adlai Stevenson, John Kennedy, Eugene McCarthy, George McGovern, and Jimmy Carter.

Inspired by Becky's trailblazing story and her fervent belief in good government, I first met Becky in the late 1970s when she helped me get reelected to the Marin County Board of Supervisors in 1980. As a young working mother myself, Becky quickly became a deeply admired mentor. As the years passed and our friendship grew, she was instrumental in helping me move up the political ladder to the House of Representatives and then to the U.S. Senate.

As we celebrate the 95th year of her remarkably courageous and passionate life, I remain in admiration of Becky's strong sense of civic duty, honesty, integrity, and perseverance. Along with hundreds of her family, friends, and admirers, I wish her many more years of continued happiness.●

IN RECOGNITION OF JAMES H. ADAMS

● Mr. GREGG. Mr. President, on February 29, 2008, James H. Adams of Pittsfield, NH, retired as manager of the New Hampshire/Vermont District of the U.S. Postal Service after 35 years of service. I wish to thank Jim for all he has done for the people of New Hampshire over that time and for his efforts which have resulted in New Hampshire's outstanding reputation for mail operations, customer service, and worker safety.

Starting as a letter carrier in Manchester in 1973, Jim's career began when the price of a stamp cost a whopping 3 cents for a first class letter. His determination and drive for self-improvement soon led to night school classes and a degree in business management, and his talents were recognized with promotion to delivery supervisor, then superintendent of postal operations, in Concord, NH. He left our State for a time, tackling the duties of director of marketing for the Post Office in Syracuse, NY, then in a number of positions of increasing responsibility with the Postmaster General's Office in Washington, DC.

During his time in Washington, Jim worked with five U.S. Presidents and helped to develop several commemorative stamps, including those honoring our troops of Desert Storm, POW/MIAs, and even Elvis. He unveiled five World War II commemorative stamps to President George H. W. Bush in the Oval Office and was relied upon in Washington for his professional and personal knowledge of all facets of postal operations, his competent advice, and for the personal integrity with which he always conducted himself.

His return to New Hampshire to head the district in 1997 led to dramatic improvements in its operations. Overseeing a $500 million budget and 7,000 employees, Jim turned the district into one of the top 10 safest in the Nation. Similarly, with 6 million pieces of mail delivered each day in New Hampshire and Vermont, Jim's efforts led to a 96-percent on-time mail delivery record and the establishment of customer service that has been recognized as Best in the Nation for each of the past 6 years.

Beyond his professional accomplishments, which are many, Jim has remained true to his small-town roots and the honesty and decency of his upbringing. Pittsfield and all of New Hampshire can be proud of him and his success, and I am especially glad to have had the opportunity to work with Jim to serve the people of New Hampshire. Whether helping obtain a sought-after ZIP Code number to serve an entire community or making a personal commitment to ensuring an elderly or disabled customer off the beaten track received their mail at home, Jim dedicated himself to meeting the needs of those who counted on the U.S. mail coming through.

He can take great pride in his record of service. I want to take this opportunity to thank him, to recognize his contributions, and to wish him well in all his future endeavors.●

MESSAGES FROM THE HOUSE

ENROLLED BILL SIGNED

The President pro tempore (Mr. BYRD) reported that he had signed the following enrolled bill, which was previously signed by the Speaker of the House:

H.R. 1593. An act to reauthorize the grant program for reentry of offenders into the community in the Omnibus Crime Control and Safe Streets Act of 1968, to improve reentry planning and implementation, and for other purposes.

At 2:22 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1187. An act to expand the boundaries of the Gulf of the Farallones National Marine Sanctuary and the Cordell Bank National Marine Sanctuary, and for other purposes.

H.R. 2342. An act to direct the President to establish a National Integrated Coastal and Ocean Observation System, and for other purposes.

H.R. 2515. An act to authorize appropriations for the Bureau of Reclamation to carry out the Lower Colorado River Multi-Species Conservation Program in the States of Arizona, California, and Nevada, and for other purposes.

H.R. 2675. An act to provide for the conveyance of approximately 140 acres of land in the Ouachita National Forest in Oklahoma to the Indian Nations Council, Inc., of the Boy Scouts of America, and for other purposes.

H.R. 3352. An act to reauthorize and amend the Hydrographic Services Improvement Act, and for other purposes.

H.R. 3651. An act to require the conveyance of certain public land within the boundaries of Camp Williams, Utah, to support the training and readiness of the Utah National Guard.

H.R. 3891. An act to amend the National Fish and Wildlife Foundation Establishment Act to increase the number of Directors on the Board of Directors of the National Fish and Wildlife Foundation.

H.R. 4933. An act to amend the Lacey Act Amendments of 1981 to protect captive wildlife and to make technical corrections, and for other purposes.

The message also announced that the House has passed the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 302. Concurrent resolution supporting the observance of Colorectal Cancer Awareness Month, and for other purposes.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 1187. To expand the boundaries of the Gulf of the Farallones National Marine Sanctuary and the Cordell Bank National Marine Sanctuary, and for other purposes; to the Committee on Commerce, Science, and Transportation.

H.R. 2342. An act to direct the President to establish a National Integrated Coastal and Ocean Observation System, and for other purposes; to the Committee on Commerce, Science, and Transportation.

H.R. 2515. An act to authorize appropriations for the Bureau of Reclamation to carry out the Lower Colorado River Multi-Species Conservation Program in the States of Arizona, California, and Nevada, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 2675. An act to provide for the conveyance of approximately 140 acres of land in the Ouachita National Forest in Oklahoma to the Indian Nations Council, Inc., of the Boy Scouts of America, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

H.R. 3352. An act to reauthorize and amend the Hydrographic Services Improvement Act, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 3651. An act to require the conveyance of certain public land within the boundaries of Camp Williams, Utah, to support the training and readiness of the Utah National Guard; to the Committee on Energy and Natural Resources.

H.R. 3891. An act to amend the National Fish and Wildlife Foundation Establishment Act to increase the number of Directors on the Board of Directors of the National Fish and Wildlife Foundation; to the Committee on Environment and Public Works.

H.R. 4933. An act to amend the Lacey Act Amendments of 1981 to protect captive wildlife and to make technical corrections, and for other purposes; to the Committee on Environment and Public Works.

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 302. Concurrent resolution supporting the observance of Colorectal Cancer Awareness Month, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

MEASURES DISCHARGED

The following measure was discharged from the Committee on Health, Education, Labor, and Pensions by unanimous consent, and referred as indicated:

S. 2756. A bill to amend the National Child Protection Act to 1993 to establish a permanent background check system; to the Committee on the Judiciary.

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–5502. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Pyraclostrobin; Pesticide Tolerance'' (FRL No. 8355–4) received on March 20, 2008; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5503. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Milk in Appalachian, Florida and Southeast Marketing Area—Interim Order'' (Docket No. DA–07–03–A) received on March 25, 2008; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5504. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Raisins Produced from Grapes Grown in California; Final Free and Reserve Percentages for 2007–08 Crop Natural Seedless Raisins'' (Docket No. AMS–FV–07) received on March 25, 2008; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5505. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Marketing Order Regulating the Handling of Walnuts Grown in California; Order Amending Marketing Order No. 984'' (Docket No. FV06–984–1) received on March 25, 2008; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5506. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Multi-Year Increase in Fees and Charges for Egg, Poultry, and Rabbit Grading and Auditing Services'' (Docket No. AMS–PY–07–0065) received on March 25, 2008; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5507. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Nectarines and Peaches Grown in California; Changes in Handling Requirements for Fresh Nectarines and Peaches'' (Docket No. AMS–FV–07–0160) received on March 25, 2008; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5508. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Tomatoes Grown in Florida; Decreased Assessment Rate'' (Docket No. AMS–FV–07–0114) received on March 25, 2008; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5509. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Honey Packers and Importers Research, Promotion, Consumer Education and Industry Information Order; Referendum Procedures'' (Docket No. AMS–FV–06–0176) received on March 25 , 2008; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5510. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Hazelnuts Grown in Oregon and Washington; Establishment of Interim Final and Final Free and Restricted Percentages for the 2007–2008 Marketing Year'' (Docket No. AMS–FV–07–0150) received on March 25, 2008; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5511. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Onions Grown in South Texas; Order Amending Marketing Order No. 959'' (Docket No. AO–322–A4) received on March 25, 2008; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5512. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Marketing Order Regulating the Handling of Avocados Grown in South Florida; Order Amending Marketing Order No. 915'' (Docket No. FV06–915–2) received on March 25, 2008; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5513. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Tart Cherries Grown in the States of Michigan, et al.; Final Free and Restricted Percentages for the 2007–2008 Crop Year for Tart Cherries'' (Docket No. AMS–FV–07–0119) received on March 25, 2008; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5514. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Olives Grown in California; Decreased Assessment Rate'' (Docket No. AMS–FV–07–0155) received on March 25, 2008; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5515. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Myclobutanil; Pesticide Tolerance'' (FRL No. 8356–2) received on March 25, 2008; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5516. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Boscalid; Pesticide Tolerance'' (FRL No. 8354–4) received on March 25, 2008; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5517. A communication from the Chief Counsel, Bureau of Public Debt, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Sale and Issue of Marketable Book-Entry Treasury Bills, Notes and Bonds—Minimums and Multiple Amounts Eligible for STRIPS, Legacy Treasury Direct, and Certification Requirements'' (Docket No. BPD GSRS 08–01) received on March 19, 2008; to the Committee on Banking, Housing, and Urban Affairs.

EC–5518. A communication from the Deputy Secretary, Division of Trading and Markets, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled ''Proposed Rule Changes of Self-Regulatory Organizations'' (RIN3235–AJ80) received on March 25, 2008; to the Committee on Banking, Housing, and Urban Affairs.

EC–5519. A communication from the Secretary, Federal Trade Commission, transmitting, pursuant to law, an annual report relative to the actions taken by the Commission relative to the Fair Debt Collection Practices Act during fiscal year 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC–5520. A communication from the Chairman and President, Export-Import Banks of the United States, transmitting, pursuant to law, a report relative to the export of eight Boeing 737–800 aircraft to Turkey; to the Committee on Banking, Housing, and Urban Affairs.

EC–5521. A communication from the Regulatory Specialist, Legislative and Regulatory Activities Division, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Lending Limits'' (RIN1557–AD08) received on March 24, 2008; to the Committee on Banking, Housing, and Urban Affairs.

EC–5522. A communication from the General Deputy Assistant Secretary for Community Planning and Development, Department of Housing and Urban Development, transmitting, pursuant to law, a report entitled, ''Annual Homeless Assessment Report to Congress''; to the Committee on Banking, Housing, and Urban Affairs.

EC–5523. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report entitled, ''Fundamental Properties of Asphalts and Modified Asphalts—II''; to the Committee on Commerce, Science, and Transportation.

EC–5524. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Advanced Television Systems and Their Impact Upon the Existing Television Broadcast Service'' (FCC Docket No. 08–72) received on March 25, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5525. A communication from the Deputy Division Chief, Wireless Telecommunications Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of the Commission's Rules Governing Hearing Aid-Compatible Mobile Handsets, Petition of American National Standards Institute Accredited Standards Committee'' (FCC Docket No. 08–68) received on March 25, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5526. 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; Louisiana; Approval of 8-Hour Ozone Section 110(a)(1) Maintenance Plans for the Parishes of Lafayette and Lafourche'' (FRL No. 8545–2) received on March 20, 2008; to the Committee on Environment and Public Works.

EC–5527. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Completeness Findings for Section 110(a) State Implementation Plans for the 8-Hour Ozone NAAQS'' (FRL No. 8545–6) received on March 20, 2008; to the Committee on Environment and Public Works.

EC–5528. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''National Volatile Organic Compound Emission Standards for Aerosol Coatings'' ((RIN2060–AO86)(FRL No. 8544–2)) received on March 20, 2008; to the Committee on Environment and Public Works.

EC–5529. A communication from the Director, Regulatory Managament Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Finding of Failure to Submit State Implementation Plans Required for the 1997 8-Hour Ozone NAAQS'' (FRL No. 8545–5) received on March 20, 2008; to the Committee on Environment and Public Works.

EC–5530. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Control of Emissions of Air Pollution from Locomotive Engines and Marine Compression-Ignition Engines Less than 30 Liters per Cylinder'' (FRL No. 8545–3) received on March 20, 2008; to the Committee on Environment and Public Works.

EC–5531. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Amendments to National Emission Standards for Hazardous Air Pollutants for Area Sources: Acrylic and Modacrylic Fibers Production, Carbon Black Production, Chemical Manufacturing: Chromium Compounds, Flexible Polyurethane Foam Production and Fabrication, Lead Acid Battery Manufacturing, and Wood Preserving'' ((RIN2060–AN44)(FRL No. 8547–1)) received on March 25, 2008; to the Committee on Environment and Public Works.

EC–5532. 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; Rhode Island; Diesel Anti-Idling Regulation'' (FRL No. 8546–9) received on March 25, 2008; to the Committee on Environment and Public Works.

EC–5533. 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 State Implementation Plans; State of Utah; Interstate Transport of Pollution and Other Revisions'' (FRL No. 8546–3) received on March 25, 2008; to the Committee on Environment and Public Works.

EC–5534. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Determination of Nonattainment and Reclassification of the Memphis, Tennessee/Crittenden County, Arkansas 8-Hour Ozone Nonattainment Area'' (FRL No. 8547–8) received on March 25, 2008; to the Committee on Environment and Public Works.

EC–5535. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Participation by Disadvantaged Business Enterprises in Procurement Under Environmental Protection Agency Financial Assistance Agreements'' ((RIN2090–AA38)(FRL No. 8545–9)) received on March 25, 2008; to the Committee on Environment and Public Works.

EC–5536. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Determinations of Attainment of the Eight-Hour Ozone Standard for Various Ozone Nonattainment Areas in Upstate New York State'' (FRL No. 8546–2) received on March 25, 2008; to the Committee on Environment and Public Works.

EC–5537. 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 ''Issuance of Opinion and Advisory Letters and Opening of the EGTRRA Determination Letter Program for Pre-Approved Defined Contribution Plans'' (Announcement 2008–23) received on March 19, 2008; to the Committee on Finance.

EC–5538. 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 ''Fringe Benefits Aircraft Valuation Formula'' (Rev. Rul. 2008–14) received on March 19, 2008; to the Committee on Finance.

EC–5539. 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 ''Application of Normalization Accounting Rules to Balances of Excess Deferred Income Taxes and Accumulated Deferred Investment Tax Credits of Public Utilities Whose Assets Cease to be Public Utility Property'' ((RIN1545–AY75)(TD 9387)) received on March 20, 2008; to the Committee on Finance.

EC–5540. 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 ''2008 Prevailing State Assumed Interest Rates'' (Rev. Rul. 2008–19) received on March 20, 2008; to the Committee on Finance.

EC–5541. 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 ''Applicable Federal Rates—April 2008'' (Rev. Rul. 2008–20) received on March 20, 2008; to the Committee on Finance.

EC–5542. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, copies of letters relative to the Treaty with the United Kingdom that was entered into on September 20, 2007, relative to Defense Trade Cooperation; to the Committee on Foreign Relations.

EC–5543. A communication from the General Counsel, Corporation for National and Community Service, transmitting, pursuant to law, the report of a rule entitled ''National Service Criminal History Checks'' (RIN3045–AA44) received on March 19, 2008; to the Committee on Health, Education, Labor, and Pensions.

EC–5544. 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 ''Corporation for National and Community Service Implementation of OMB Guidance on Nonprocurement Debarment and Suspension'' (RIN3045–AA48) received on March 19, 2008; to the Committee on Finance.

EC–5545. A communication from the Director, Directorate of Standards and Guidance, Department of Labor, transmitting, pursuant to law, the report of a rule entitled ''Updating OSHA Standards Based on National Consensus Standards'' (RIN1218–AC08) received on March 25, 2008; to the Committee on Health, Education, Labor, and Pensions.

EC–5546. A communication from the Director, Office of Standards, Regulations, and Variances, Department of Labor, transmitting, pursuant to law, the report of a rule entitled ''Asbestos Exposure Limit'' (RIN1219–AB24) received on March 24, 2008; to the Committee on Health, Education, Labor, and Pensions.

EC–5547. A communication from the General Counsel, Corporation for National and Community Service, transmitting, pursuant to law, the report of a rule entitled ''Program Fraud Civil Remedies Act'' (RIN3045–AA42) received on March 19, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–5548. A communication from the Secretary, Railroad Retirement Board, transmitting, pursuant to law, the Board's annual report for fiscal year 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–5549. A communication from the Director, Office of Government Ethics, transmitting, pursuant to law, the report of a rule entitled ''Technical Updating Amendments to Executive Branch Financial Disclosure and Standards of Ethical Conduct Regulations'' (RIN3209–AA14) received on March 25, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–5550. A communication from the Secretary, Judicial Conference of the United States, transmitting, a legislative proposal entitled, ''Federal Courts Jurisdiction and Venue Clarification Act of 2008''; to the Committee on the Judiciary.

EC–5551. A communication from the Staff Director, U.S. Commission on Civil Rights, transmitting, pursuant to law, a report relative to the Commission's recent appointment of members to the New Jersey Advisory Committee; to the Committee on the Judiciary.

EC–5552. A communication from the Staff Director, U.S. Commission on Civil Rights, transmitting, pursuant to law, a report relative to the Commission's recent appointment of members to the Rhode Island Advisory Committee; to the Committee on the Judiciary.

EC–5553. A communication from the Staff Director, U.S. Commission on Civil Rights, transmitting, pursuant to law, a report relative to the Commission's recent appointment of members to the Vermont Advisory Committee; to the Committee on the Judiciary.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LEAHY, from the Committee on the Judiciary:

Report to accompany S. 1638, a bill to adjust the salaries of Federal justices and judges, and for other purposes (Rept. No. 110-277) .

By Mr. LEAHY, from the Committee on the Judiciary, with an amendment in the nature of a substitute:

S. 2304. A bill to amend title I of the Omnibus Crime Control and Safe Streets Act of

1968 to provide grants for the improved mental health treatment and services provided to offenders with mental illnesses, and for other purposes.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. VOINOVICH:

S. 2791. A bill to address the foreclosure crisis and to revitalize neighborhoods, and for other purposes; to the Committee on Finance.

By Mr. GRAHAM (for himself, Mr. ENSIGN, and Mr. MARTINEZ):

S. 2792. A bill to amend the Internal Revenue Code of 1986 to restore the deduction for the travel expenses of a taxpayer's spouse who accompanies the taxpayer on business travel; to the Committee on Finance.

By Mr. MENENDEZ (for himself, Mr. KERRY, and Mr. LAUTENBERG):

S. 2793. A bill to direct the Federal Trade Commission to prescribe a rule prohibiting deceptive advertising of abortion services, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. KOHL (for himself and Mr. VITTER):

S. 2794. A bill to protect older Americans from misleading and fraudulent marketing practices, with the goal of increasing retirement security; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. SPECTER:

S. Res. 493. A resolution to limit consideration of amendments under a budget resolution; to the Committee on the Budget.

By Mr. CASEY (for himself and Mr. CORKER):

S. Res. 494. A resolution expressing the sense of the Senate on the need for Iraq's neighbors and other international partners to fulfill their pledges to provide reconstruction assistance to Iraq; to the Committee on Foreign Relations.

By Mr. AKAKA (for himself, Mr. DODD, Mr. ENZI, Ms. STABENOW, Mr. LEVIN, Mr. SCHUMER, Mr. INOUYE, Mr. MENENDEZ, Mr. CRAPO, Mr. JOHNSON, Mr. CARDIN, Mrs. LINCOLN, Mr. COCHRAN, Mr. MARTINEZ, Mrs. MURRAY, Mr. ALLARD, Mr. DURBIN, Mr. BAUCUS, and Mrs. FEINSTEIN):

S. Res. 495. A resolution designating April 2008 as ''Financial Literacy Month''; considered and agreed to.

By Mr. DURBIN (for himself, Mr. BROWNBACK, Mr. BROWN, Mr. FEINGOLD, and Mr. VOINOVICH):

S. Con. Res. 72. A concurrent resolution supporting the goals and ideals of the International Year of Sanitation; to the Committee on Foreign Relations.

ADDITIONAL COSPONSORS

S. 41

At the request of Mr. BAUCUS, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 41, a bill to amend the Internal Revenue Code of 1986 to provide incentives to improve America's research competitiveness, and for other purposes.

S. 59

At the request of Mr. INOUYE, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 59, a bill to amend title XIX of the Social Security Act to improve access to advanced practice nurses and physician assistants under the Medicaid Program.

S. 60

At the request of Mr. INOUYE, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 60, a bill to amend the Public Health Service Act to provide a means for continued improvement in emergency medical services for children.

S. 450

At the request of Mr. ENSIGN, the name of the Senator from South Carolina (Mr. DEMINT) was added as a cosponsor of S. 450, a bill to amend title XVIII of the Social Security Act to repeal the medicare outpatient rehabilitation therapy caps.

S. 495

At the request of Mr. LEAHY, the name of the Senator from Illinois (Mr. OBAMA) was added as a cosponsor of S. 495, a bill to prevent and mitigate identity theft, to ensure privacy, to provide notice of security breaches, and to enhance criminal penalties, law enforcement assistance, and other protections against security breaches, fraudulent access, and misuse of personally identifiable information.

S. 582

At the request of Mr. SMITH, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 582, a bill to amend the Internal Revenue Code of 1986 to classify automatic fire sprinkler systems as 5-year property for purposes of depreciation.

S. 678

At the request of Mrs. BOXER, the names of the Senator from New York (Mr. SCHUMER) and the Senator from New York (Mrs. CLINTON) were added as cosponsors of S. 678, a bill to amend title 49, United States Code, to ensure air passengers have access to necessary services while on a grounded air carrier and are not unnecessarily held on a grounded air carrier before or after a flight, and for other purposes.

S. 819

At the request of Mr. DORGAN, the name of the Senator from Ohio (Mr. VOINOVICH) was added as a cosponsor of S. 819, a bill to amend the Internal Revenue Code of 1986 to expand tax-free distributions from individual retirement accounts for charitable purposes.

S. 898

At the request of Ms. MIKULSKI, the name of the Senator from Illinois (Mr. OBAMA) was added as a cosponsor of S. 898, a bill to amend the Public Health Service Act to fund breakthroughs in Alzheimer's disease research while providing more help to caregivers and increasing public education about prevention.

S. 906

At the request of Mr. OBAMA, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 906, a bill to prohibit the sale, distribution, transfer, and export of elemental mercury, and for other purposes.

S. 911

At the request of Mr. VITTER, his name was added as a cosponsor of S. 911, a bill to amend the Public Health Service Act to advance medical research and treatments into pediatric cancers, ensure patients and families have access to the current treatments and information regarding pediatric cancers, establish a population-based national childhood cancer database, and promote public awareness of pediatric cancers.

S. 937

At the request of Mr. REED, his name was added as a cosponsor of S. 937, a bill to improve support and services for individuals with autism and their families.

S. 972

At the request of Mr. LAUTENBERG, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 972, a bill to provide for the reduction of adolescent pregnancy, HIV rates, and other sexually transmitted diseases, and for other purposes.

S. 1003

At the request of Ms. STABENOW, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 1003, a bill to amend title XVIII of the Social Security Act to improve access to emergency medical services and the quality and efficiency of care furnished in emergency departments of hospitals and critical access hospitals by establishing a bipartisan commission to examine factors that affect the effective delivery of such services, by providing for additional payments for certain physician services furnished in such emergency departments, and by establishing a Centers for Medicare & Medicaid Services Working Group, and for other purposes.

S. 1176

At the request of Mr. AKAKA, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 1176, a bill to require enhanced disclosure to consumers regarding the consequences of making only minimum required payments in the repayment of credit card debt, and for other purposes.

S. 1310

At the request of Mr. SCHUMER, the name of the Senator from Nevada (Mr. ENSIGN) was added as a cosponsor of S. 1310, a bill to amend title XVIII of the Social Security Act to provide for an extension of increased payments for ground ambulance services under the Medicare program.

S. 1359

At the request of Mrs. MURRAY, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 1359, a bill to amend the Public Health Service Act to enhance public and health professional awareness and understanding of lupus and to strengthen the Nation's research efforts to identify the causes and cure of lupus.

S. 1382

At the request of Mr. ROBERTS, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 1382, a bill to amend the Public Health Service Act to provide for the establishment of an Amyotrophic Lateral Sclerosis Registry.

S. 1410

At the request of Mr. COLEMAN, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 1410, a bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax for the purchase of hearing aids.

S. 1430

At the request of Mr. KENNEDY, his name was added as a cosponsor of S. 1430, a bill to authorize State and local governments to direct divestiture from, and prevent investment in, companies with investments of $20,000,000 or more in Iran's energy sector, and for other purposes.

S. 1689

At the request of Ms. COLLINS, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 1689, a bill to amend the Internal Revenue Code of 1986 to exclude from gross income amounts received on account of claims based on certain unlawful discrimination and to allow income averaging for backpay and frontpay awards received on account of such claims, and for other purposes.

At the request of Mr. BINGAMAN, the names of the Senator from Maryland (Mr. CARDIN) and the Senator from Connecticut (Mr. LIEBERMAN) were added as cosponsors of S. 1689, supra.

S. 2035

At the request of Mr. SPECTER, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 2035, a bill to maintain the free flow of information to the public by providing conditions for the federally compelled disclosure of information by certain persons connected with the news media.

S. 2042

At the request of Ms. STABENOW, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 2042, a bill to authorize the Secretary of Health and Human Services to conduct activities to rapidly advance treatments for spinal muscular atrophy, neuromuscular disease, and other pediatric diseases, and for other purposes.

S. 2056

At the request of Mr. ROCKEFELLER, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 2056, a bill to amend title XVIII of the Social Security Act to restore financial stability to Medicare anesthesiology teaching programs for resident physicians.

S. 2127

At the request of Mrs. MURRAY, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 2127, a bill to provide assistance to families of miners involved in mining accidents.

S. 2159

At the request of Mr. NELSON of Florida, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 2159, a bill to require the Secretary of the Treasury to mint coins in commemoration of the 50th anniversary of the establishment of the National Aeronautics and Space Administration.

S. 2279

At the request of Mr. BIDEN, the names of the Senator from Oregon (Mr. SMITH), the Senator from Illinois (Mr. DURBIN) and the Senator from South Dakota (Mr. JOHNSON) were added as cosponsors of S. 2279, a bill to combat international violence against women and girls.

S. 2314

At the request of Mr. SALAZAR, the name of the Senator from Tennessee (Mr. ALEXANDER) was added as a cosponsor of S. 2314, a bill to amend the Internal Revenue Code of 1986 to make geothermal heat pump systems eligible for the energy credit and the residential energy efficient property credit, and for other purposes.

S. 2366

At the request of Mr. VITTER, the names of the Senator from Maine (Ms. SNOWE) and the Senator from Georgia (Mr. CHAMBLISS) were added as cosponsors of S. 2366, a bill to provide immigration reform by securing America's borders, clarifying and enforcing existing laws, and enabling a practical verification program.

S. 2408

At the request of Mr. KERRY, the names of the Senator from New York (Mrs. CLINTON) and the Senator from New York (Mr. SCHUMER) were added as cosponsors of S. 2408, a bill to amend title XVIII of the Social Security Act to require physician utilization of the Medicare electronic prescription drug program.

S. 2420

At the request of Mr. SCHUMER, the name of the Senator from Ohio (Mr. VOINOVICH) was added as a cosponsor of S. 2420, a bill to encourage the donation of excess food to nonprofit organizations that provide assistance to food-insecure people in the United States in contracts entered into by executive agencies for the provision, service, or sale of food.

S. 2426

At the request of Mr. KERRY, his name was added as a cosponsor of S. 2426, a bill to provide for congressional oversight of United States agreements with the Government of Iraq.

S. 2433

At the request of Mr. KERRY, his name was added as a cosponsor of S. 2433, a bill to require the President to develop and implement a comprehensive strategy to further the United States foreign policy objective of promoting the reduction of global poverty, the elimination of extreme global poverty, and the achievement of the Millennium Development Goal of reducing by one-half the proportion of people worldwide, between 1990 and 2015, who live on less than $1 per day.

S. 2485

At the request of Mr. TESTER, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 2485, a bill to amend the Public Health Service Act to provide for the participation of physical therapists in the National Health Service Corps Loan Repayment Program, and for other purposes.

S. 2533

At the request of Mr. KENNEDY, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 2533, a bill to enact a safe, fair, and responsible state secrets privilege Act.

S. 2555

At the request of Mrs. BOXER, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 2555, a bill to permit California and other States to effectively control greenhouse gas emissions from motor vehicles, and for other purposes.

S. 2580

At the request of Mr. BROWN, the names of the Senator from Maine (Ms. COLLINS) and the Senator from Maine (Ms. SNOWE) were added as cosponsors of S. 2580, a bill to amend the Higher Education Act of 1965 to improve the participation in higher education of, and to increase opportunities in employment for, residents of rural areas.

S. 2585

At the request of Mr. HARKIN, the name of the Senator from Colorado (Mr. SALAZAR) was added as a cosponsor of S. 2585, a bill to provide for the enhancement of the suicide prevention programs of the Department of Defense, and for other purposes.

S. 2607

At the request of Ms. SNOWE, the name of the Senator from Missouri (Mrs. MCCASKILL) was added as a cosponsor of S. 2607, a bill to make a technical correction to section 3009 of the Deficit Reduction Act of 2005.

S. 2618

At the request of Ms. KLOBUCHAR, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 2618, a bill to amend the Public Health Service Act to provide for research with respect to various forms of muscular dystrophy, including Becker, congenital, distal, Duchenne,

Emery-Dreifuss Facioscapulohumeral, limb-girdle, myotonic, and oculopharyngeal muscular dystrophies.

S. 2625

At the request of Mr. HARKIN, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 2625, a bill to ensure that deferred Department of Veterans Affairs disability benefits that are received in a lump sum amount or in prospective monthly amounts, be excluded from consideration as annual income when determining eligibility for low-income housing programs.

S. 2639

At the request of Mr. JOHNSON, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 2639, a bill to amend title 38, United States Code, to provide for an assured adequate level of funding for veterans health care.

S. 2660

At the request of Mr. SANDERS, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 2660, a bill to amend the Federal Power Act to ensure that the mission and functions of Regional Transmission Organizations and Independent System Operators include keeping energy costs as low as reasonably possible for consumers, and for other purposes.

S. 2672

At the request of Mr. CONRAD, the names of the Senator from Maine (Ms. COLLINS), the Senator from Nebraska (Mr. HAGEL) and the Senator from New Mexico (Mr. BINGAMAN) were added as cosponsors of S. 2672, a bill to provide incentives to physicians to practice in rural and medically underserved communities.

S. 2684

At the request of Mr. DODD, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 2684, a bill to reform the housing choice voucher program under section 8 of the United States Housing Act of 1937.

S. 2719

At the request of Mrs. DOLE, the names of the Senator from Alabama (Mr. SESSIONS), the Senator from Louisiana (Mr. VITTER) and the Senator from South Carolina (Mr. DEMINT) were added as cosponsors of S. 2719, a bill to provide that Executive Order 13166 shall have no force or effect, and to prohibit the use of funds for certain purposes.

S. 2722

At the request of Mrs. DOLE, the names of the Senator from North Carolina (Mr. BURR), the Senator from South Carolina (Mr. DEMINT), the Senator from Louisiana (Mr. VITTER) and the Senator from Alabama (Mr. SESSIONS) were added as cosponsors of S. 2722, a bill to prohibit aliens who are repeat drunk drivers from obtaining legal status or immigration benefits.

S. 2729

At the request of Mrs. HUTCHISON, her name was added as a cosponsor of S. 2729, a bill to amend title XVIII of the Social Security Act to modify Medicare physician reimbursement policies to ensure a future physician workforce, and for other purposes.

S. 2760

At the request of Mr. LEAHY, the names of the Senator from Wisconsin (Mr. FEINGOLD), the Senator from Iowa (Mr. HARKIN), the Senator from Massachusetts (Mr. KERRY), the Senator from Maryland (Ms. MIKULSKI), the Senator from Oregon (Mr. WYDEN) and the Senator from Arkansas (Mrs. LINCOLN) were added as cosponsors of S. 2760, a bill to amend title 10, United States Code, to enhance the national defense through empowerment of the National Guard, enhancement of the functions of the National Guard Bureau, and improvement of Federal-State military coordination in domestic emergency response, and for other purposes.

S. 2766

At the request of Mr. NELSON of Florida, the names of the Senator from Louisiana (Mr. VITTER) and the Senator from Maryland (Ms. MIKULSKI) were added as cosponsors of S. 2766, a bill to amend the Federal Water Pollution Control Act to address certain discharges incidental to the normal operation of a recreational vessel.

At the request of Mrs. BOXER, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 2766, supra.

S. 2774

At the request of Mr. LEAHY, the name of the Senator from Colorado (Mr. SALAZAR) was added as a cosponsor of S. 2774, a bill to provide for the appointment of additional Federal circuit and district judges, and for other purposes.

S. 2785

At the request of Mrs. HUTCHISON, her name was added as a cosponsor of S. 2785, a bill to amend title XVIII of the Security Act to preserve access to physicians' services under the Medicare program.

S. RES. 138

At the request of Mr. SALAZAR, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. Res. 138, a resolution honoring the accomplishments and legacy of Cesar Estrada Chavez.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. KOHL (for himself and Mr. VITTER):

S. 2794. A bill to protect older Americans from misleading and fraudulent marketing practices, with the goal of increasing retirement security; to the Committee on the Judiciary.

Mr. KOHL. Mr. President, many of America's seniors are discovering that their life savings may not be enough to sufficiently provide for their retirement needs. To bridge the gap, some seniors are turning to investments to increase their retirement income and frequently rely on financial advisors to help them invest wisely. Unfortunately, we have learned that seniors are placing their trust in so-called ''senior investment advisors'' who in many cases may not deserve it. More and more, individuals are representing themselves as certified ''senior investment specialists'' when often they have limited or no education and experience in extremely complicated financial matters. It is estimated that there are hundreds of different designations for senior financial advisors that all sound very official, and that there are thousands of unscrupulous individuals marketing themselves out as such ''senior'' specialists.

You would be surprised to know that in order to obtain some of them, all it takes is a weekend and as many cracks at an open-book, multiple-choice exam as is needed? It is almost impossible for seniors to tell the difference between the more legitimate titles and those with less rigorous standards.

Today, Senator VITTER and I are introducing the Senior Investor Protection Act of 2008 to help ensure there are rules to separate reputable designations, like Certified Financial Planners, from less rigorous designations and clarifications that are meant to confuse and mislead seniors. This bill would encourage states to improve their own rules regulating the use of designations by encouraging them to adopt provisions outlined in the North American Securities Administrators Association's, NASAA, new model rule on the use of senior designations. It would create a grant to help States protect senior investors from unscrupulous individuals who use misleading designations to sell seniors inappropriate financial products.

We know that an attorney must go to school for 3 years and pass a State bar exam. A CPA must have a college degree, an additional year of study and must pass a national exam. Neither can offer their professional services without those credentials. Seniors should be able to trust the people who invest their money. They should not be worried that the title after their advisor's name is scarcely more than a marketing ploy, and that it was not earned through sufficiently rigorous financial education or training.

I strongly encourage my colleagues to cosponsor this measure.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 493—TO LIMIT CONSIDERATION OF AMENDMENTS UNDER A BUDGET RESOLUTION

Mr. SPECTER submitted the following resolution; which was referred to the Committee on the Budget:

S. RES. 493

Resolved,

SECTION 1. LIMITATION ON CONSIDERATION OF AMENDMENTS UNDER A BUDGET RESOLUTION.

For purposes of consideration of any Budget Resolution reported under section 305(b) of the Congressional Budget Act of 1974—

(1) time on a budget resolution may only be yielded back by consent;

(2) no first degree amendment may be proposed after the 10th hour of debate on a budget resolution unless it has been submitted to the Journal Clerk prior to the expiration of the 10th hour;

(3) no second degree amendment may be proposed after the 20th hour of debate on a budget resolution unless it has been submitted to the Journal Clerk prior to the expiration of the 20th hour;

(4) after not more than 40 hours of debate on a budget resolution, the resolution shall be set aside for 1 calendar day, so that all filed amendments are printed and made available in the Congressional Record before debate on the resolution continues; and

(5) provisions contained in a budget resolution, or amendments thereto, shall not include programmatic detail not within the jurisdiction of the Senate Committee on the Budget.

SEC. 2. WAIVER AND APPEAL.

Section 1 may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members, duly chosen and sworn. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under section 1.

Mr. SPECTER. Mr. President, I submit a resolution which would modify the budget process to bring some sanity to the Senate as we consider the budget resolution.

On March 13, less than a month ago, we took up the budget resolution. From 11:15 a.m. until 2 a.m, on March 14, this body was bedlam. May the record show the distinguished presiding Senator from Montana was nodding in the affirmative. If he wishes to have a disclaimer on that—he has just signaled it is OK with him.

There are two Senators on the floor of the Senate now, one presiding and one speaking, who can attest to an extraordinary event. The Senate is billed as the world's greatest deliberative body. During the time from 11:15 a.m. on the 13th, until 2 a.m. on the 14th, the place was bedlam—absolute bedlam. We were considering amendments which had not been available for examination by Senators or their staffs. We were considering them in a context of 2 minutes equally divided, so the proponent had a full minute. That may be a little long for speeches in the House of Representatives, but it is not in the Senate. The opposite side had 1 minute.

It was impossible to hear what was going on in the Chamber. If you tried to listen to get the gravamen of what was going on, it simply could not be heard. During the course of the deliberations after midnight I had occasion to talk to the distinguished majority leader, Senator REID, and the chair of the Rules Committee, Senator FEINSTEIN, about doing something about it. My staff and I have done some research. We found that a resolution had been submitted, a proposal had been submitted by Senator BYRD in the past. I have taken Senator BYRD's approach, having my staff consult with his staff. We do not yet have it worked out as to whether he will cosponsor because we have been in the period of recess for the past 2 weeks, but Senator BYRD is renowned for his expertise on parliamentary matters. The essence of the resolution would provide that first-degree amendments would have to be filed prior to the 10th hour of debate. Then, second-degree amendments would have to be filed prior to the 20th hour of debate. Then the resolution would be set aside for 1 day prior to the 40th hour of debate so that the amendments could be printed in the CONGRESSIONAL RECORD.

For those who may be watching on C–SPAN, it is impossible to deal with an amendment which has not been filed and printed so that staff and Senators can review it. When the amendments are offered—as there is a right to offer them, under the existing procedures, on the spur of the moment—nobody can follow them. One minute of explanation is totally insufficient.

There was one complex amendment which was offered with respect to the city of Berkeley, to take away their earmarks and their grants. I happened to be on the other end of the Chamber at the time and actually could not hear; the bedlam, the noise just precluded hearing. I later found out that there was a lot more to the consideration of the issue than I could digest in the course of that time.

The procedures that have been used on the budget resolution have taken two forms which have subverted the process. One is the sense-of-the-Senate resolution, and the second is the resolution on deficit-neutral reserve funds to try to bring it within the confines of the budget resolution. Through those two artifices there are efforts made to legislate, put legislative proposals in the budget resolution.

I will ask unanimous consent my full statement be printed in the RECORD at the close of my comments. The full statement has a reference to amendment No. 4299, which was offered, which was on prescription drugs. It doesn't have anything to do with the budget resolution, but it was a sense of the Senate. This is just illustrative of substantive matters which are offered which have no place on the budget resolution.

My prepared statement also refers to amendment No. 4231, which refers to immigration, a detailed proposal.

Many of these, if not most of these amendments, are ''gotcha'' amendments. I am getting a lot of agreement from the distinguished Presiding Officer. If anyone is watching on C–SPAN II, a ''gotcha'' amendment is an amendment that compels people to vote on complex questions which can be used on a 30-second commercial.

One of the difficulties of campaign practice is to be able to defend your votes. It is sometimes hard to defend a vote on a complex matter where you have no advance notice of the issue and no opportunity to hear it debated. The procedures of the Senate, worth just a momentary comment, are, somebody proposes legislation and files it at the desk. It is referred to a committee. The committee has hearings. Then there is a markup where the bill is considered. Then the committee files a report, analyzing it. Then it comes to the Senate floor for consideration.

That is the way the Senate is supposed to function. That is what makes the Senate, arguably, the world's greatest deliberative body. But not when you have amendments which are offered on the spur of the moment with no opportunity to know what is in the amendment and all of these votes are recorded. Try to explain a ''gotcha'' amendment as to why you voted a certain way in answering on a commercial. It just cannot be done.

It is my hope the Senate will take up this issue. I think the proposal by Senator BYRD on the scheduling is a good approach. I am not wedded to this approach. There are other approaches which could be undertaken which would be satisfactory to this Senator. We had some discussions on the Senate floor about perhaps limiting the number of amendments with a certification by the two leaders that you had germane amendments. But one way or another, we ought not to again next year undertake a process which has 44 votes. That established a new record—although on prior years we came close to that with votes numbering in the thirties. We ought to avoid this kind of process and redo our procedures under the budget resolution.

Mr. President, I ask unanimous consent my full statement be printed in the RECORD.

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

BILL INTRODUCTION

Mr. SPECTER. Mr. President, I have sought recognition to introduce legislation to provide greater efficiencies to what I believe is a broken process for consideration of the budget resolution. The need for reform is based on the most recent consideration of the budget resolution on March 13, 2008, when the Senate conducted 44 stacked roll call votes in one day—the so-called ''vote-a-rama.'' With the 44 stacked votes, the frequent unavailability of amendment text in advance so there could be no analysis and preparation, the chamber full of senators, the unusual noise level, the constant banging of the gavel by the presiding officer, the near impossibility of hearing even just the two minutes allotted for discussion, and consideration of matters entirely unrelated to the budget, I believe the process needs reform. The resolution I am introducing today is based on a proposal previously submitted by Senator ROBERT BYRD, whom most would agree is our most-knowledgeable Senator on parliamentary procedure. The Byrd proposal seeks to correct these problems I have cited by imposing several new rules designed to foster greater transparency and efficiency on a budget resolution.

Under the budget rules, once all debate time has been used or yielded back, the Senate must take action to agree to or to dispose of pending amendments before considering final passage. This scenario creates a dizzying process of voting on numerous amendments in a stacked sequence, often referred to as a ''vote-a-rama.'' During the course of the ''vote-a-rama'', dozens of votes may occur with little or no explanation, often leaving Senators with insufficient information or time to deliberate and evaluate the merits of an issue prior to casting a vote. By consent, the Senate has typically allowed two minutes of debate, equally divided, prior to votes. However, the budget process does not require Senators to file their amendments prior to their consideration. In many instances, members are voting on amendments on which the text has never been made available. This difficult working environment is further compounded by a Chamber full of Senators and the constant banging of the gavel by the presiding officer to maintain order. This unusual noise level makes it nearly impossible to hear the one minute of debate per side.

The Budget Act of 1974 outlines the many clearly defined rules for consideration of a budget resolution, including debate time and germaneness. Despite these rules, the Senate has often set aside these rules and found clever ways to circumvent the rules. To restore some order to the process, the resolution I am offering today would require first-degree amendments to be filed at the desk with the Journal Clerk prior to the 10th hour of debate. Accordingly, second-degree amendments must be filed prior to the 20th hour of debate. This legislation would require a budget resolution to be set aside for one calendar day prior to the 40th hour of debate. Doing so would allow all filed amendments to be printed in the RECORD allowing Senators, and their staff, an opportunity for review before debate on the resolution continues. To preserve the integrity of these new rules, debate time may only be yielded back by consent, instead of the current procedure whereby time may be yielded at the discretion of either side.

Another problem has been the subversion with the budget's germaneness rules by offering amendments to deal with authorization and substantive policy changes. It is important to remember that the Federal budget has two distinct but equally important purposes: the first is to provide a financial measure of federal expenditures, receipts, deficits, and debt levels; and the second is to provide the means for the Federal Government to efficiently collect and allocate resources. To keep the debate focused, amendments to the budget resolution must be germane, meaning those which strike, increase or decrease numbers, or add language that restricts some power in the resolution. Otherwise, a point of order lies against the amendment, and 60 votes are required to waive the point of order. Yet, to circumvent this germaneness requirement and inject debate on substantive policy changes, Senators have offered Sense of the Senate amendments and Deficit-Neutral Reserve Fund amendments that include exorbitant programmatic detail.

A sense of the Senate amendment allows a Senator to force members to either support or oppose any policy position they seek to propose. An excerpt of an amendment to the FY09 Budget Resolution follows:

AMENDMENT NO. 4299

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—(1) the leadership of the Senate should bring to the floor for full debate in 2008 comprehensive legislation that legalizes the importation of prescription drugs from highly industrialized countries with safe pharmaceutical infrastructures and creates a regulatory pathway to ensure that such drugs are safe; (2) such legislation should be given an up or down vote on the floor of the Senate; and (3) previous Senate approval of 3 amendments in support of prescription drug importation shows the Senate's strong support for passage of comprehensive importation legislation.

The use of sense of the Senate amendments on the budget resolution has been discouraged in recent years because they have little relevance to the intended purpose of the budget resolution. As a result, it has become increasingly popular to offer deficit-neutral reserve fund amendments. Prior to the FY06 Budget Resolution, reserve funds were used sparingly. In in FY07, 22 were included in the Senate resolution and 8 in the House resolution; in FY08, 38 were included in the Senate resolution and 23 in the conference report; and in FY09, 31 were included in the Senate resolution.

Deficit-neutral reserve funds—which are specifically permitted by section 301(b)(7) of the Budget Act of 1974—have an important functional use in the budget process, but do not require extensive programmatic detail to be useful. On the speculation that Congress may enact legislation on a particular issue—perhaps ''immigration,'' ''energy,'' or ''health care''—a reserve fund acts as a ''placeholder'' to allow the chairman of the Budget Committee to later revise the spending and revenue levels in the budget so that the future deficit-neutral legislation would not be vulnerable to budgetary points of order. Absent a reserve fund, legislation which increases revenues to offset increases in direct spending would be subject to a Budget Act point of order because certain overall budget levels (total revenues, total new budget authority, total outlays, or total revenues and outlays of Social Security) or budgetary levels specific to authorizing committees and the appropriations committee (committee allocations) would be breached.

However, it is unnecessary to include extensive programmatic detail into the language of a deficit-neutral reserve fund for it to be useful at a later date. An excerpt of an amendment to the FY09 Budget Resolution demonstrates the unnecessary level of programmatic detail that I refer to:

AMENDMENT NO. 4231

DEFICIT-NEUTRAL RESERVE FUND FOR BORDER SECURITY, IMMIGRATION ENFORCEMENT, AND CRIMINAL ALIEN REMOVAL PROGRAMS.

(a) IN GENERAL.—The Chairman of the Committee on the Budget of the Senate may revise the allocations of 1 or more committees, aggregates, and other appropriate levels in this resolution by the amounts authorized to be appropriated for the programs described in paragraphs (1) through (6) in 1 or more bills, joint resolutions, amendments, motions, or conference reports that funds border security, immigration enforcement, and criminal alien removal programs, including programs that—(1) expand the zero tolerance prosecution policy for illegal entry (commonly known as ''Operation Streamline'') to all 20 border sectors; (2) complete the 700 miles of pedestrian fencing required under section 102(b)(1) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1103 note); (3) deploy up to 6,000 National Guard members to the southern border of the United States; (4) evaluate the 27 percent of the Federal, State, and local prison populations who are noncitizens in order to identify removable criminal aliens; (5) train and reimburse State and local law enforcement officers under Memorandums of Understanding entered into under section 287(g) of the Immigration and Nationality Act (8 U.S.C. 1357(g)); or (6) implement the exit data portion of the US-VISIT entry and exit data system at airports, seaports, and land ports of entry.

Voting on amendments that advocate substantive policy changes in the context of a budget debate are a subversion of the budget's germaneness requirements and clearly fall outside the jurisdiction of the Budget Committee. In many instances, the programmatic detail is of a controversial nature, such as a recent amendment to ''provide for a deficit-neutral reserve fund for transferring funding for Berkeley, CA earmarks to the Marine Corps'' (Coburn Amendment No. 4380).

To bring the focus back to the budget, my legislation states that ''provisions contained in a budget resolution, or amendments thereto, shall not include programmatic detail not within the jurisdiction of the Senate Committee on the Budget.'' It is my hope that this language will bring about a change in practice in the Senate whereby Senators will avoid including excessive programmatic detail in their reserve fund amendments. Doing so will put the focus back on the important purposes of a budget resolution.

The provisions in my legislation may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members. Also, an affirmative vote of three-fifths of the Members of the Senate is required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

I commend the chairman and ranking member of the Senate Budget Committee for their hard work in processing amendments to the budget resolution. Unfortunately, the process needs reforms to provide structure and to increase transparency and efficiency. The 44 rollcall votes conducted in relation to S. Con. Res. 70 are the largest number of votes held in one session dating back to 1964, according to records maintained by the Senate Historical Office. The Senate cast more votes on the budget in one day than it had previously cast all year on various other issues. It is my hope that this resolution, modeled in part on a previous proposal by Senator BYRD, will lead us to a more constructive debate on the budget resolution.

I urge the support of my colleagues.

SENATE RESOLUTION 494—EXPRESSING THE SENSE OF THE SENATE ON THE NEED FOR IRAQ'S NEIGHBORS AND OTHER INTERNATIONAL PARTNERS TO FULFILL THEIR PLEDGES TO PROVIDE RECONSTRUCTION ASSISTANCE TO IRAQ

Mr. CASEY (for himself and Mr. CORKER) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 494

Whereas a sustained flow of international economic reconstruction assistance to the Government of Iraq and provincial and regional authorities in Iraq is essential to the restoration of basic services in Iraq, job creation, and the future stabilization of that country;

Whereas reconstruction assistance should be administered in a transparent, accountable, and equitable manner in order to help alleviate sectarian grievances and facilitate national political reconciliation;

Whereas the United States has already spent approximately $29,000,000,000 on reconstruction assistance and Congress has authorized the expenditure of an additional $16,500,000,000 for reconstruction assistance;

Whereas, on December 18, 2007, the Government Accountability Office (GAO) reported that, as of October 2007, international donors had pledged a total of approximately $16,400,000,000 in support of Iraq's reconstruction since 2003, of which roughly $13,600,000,000 was pledged at an October 2003 donor conference in Madrid, Spain;

Whereas the GAO reported that international donors have provided only approximately $7,000,000,000 for reconstruction assistance, or less than half of the original pledged amount;

Whereas the conclusion reached by the Iraq Study Group (ISG) in December 2006 that ''[i]nternational support for Iraqi reconstruction has been tepid'' remains true and reinforces the ISG's subsequent recommendation that ''[a]n essential part of reconstruction efforts in Iraq should be greater involvement by and with international partners, who should do more than just contribute money. . . . [t]hey should also actively participate in the design and construction of projects'';

Whereas Iraq's regional neighbors, in particular, carry a special imperative to bolster reconstruction assistance efforts to Iraq, given the vital importance of a peaceful and secure Iraq to their security interests and overall regional stability; and

Whereas those countries have prospered in recent years due to the rising price of their oil exports and enjoy expanded government revenue from which funds could be allocated for reconstruction assistance to Iraq: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) Iraq's neighbors and other key international partners should fully carry through on previous pledges of reconstruction assistance to the Government of Iraq, working to mitigate and circumvent, where necessary, potential obstacles to the effective implementation of those pledges; and

(2) the United States should consider a recommendation proposed by the Iraq Study Group to merge reconstruction assistance funds provided by the United States with funds from international donors and Iraqi participants to help ensure that assistance projects in Iraq are carried out in the most rapid and efficient manner possible.

SENATE RESOLUTION 495—DESIGNATING APRIL 2008 AS ''FINANCIAL LITERACY MONTH''

Mr. AKAKA (for himself, Mr. DODD, Mr. ENZI, Ms. STABENOW, Mr. LEVIN, Mr. SCHUMER, Mr. INOUYE, Mr. MENENDEZ, Mr. CRAPO, Mr. JOHNSON, Mr. CARDIN, Mrs. LINCOLN, Mr. COCHRAN, Mr. MARTINEZ, Mrs. MURRAY, Mr. ALLARD, Mr. DURBIN, Mr. BAUCUS, and Mrs. FEINSTEIN) submitted the following resolution; which was considered and agreed to:

S. RES. 495

Whereas the personal savings rate of people in the United States declined from negative 0.5 percent in 2005 to negative 1.0 percent in 2006, making 2005 and 2006 the only years since the Great Depression years of 1932 and 1933 when the savings rate has been negative, and the decline continued in the first month of 2008;

Whereas, in April 2007, a survey on personal finances reported that 25 percent of workers in the United States responded as having ''no savings'';

Whereas the 2007 Retirement Confidence Survey conducted by the Employee Benefit Research Institute found that only 43 percent of workers or their spouses calculated how much they need to save for retirement, down from 53 percent in 2000;

Whereas consumer debt exceeded $2,500,000,000,000 in 2007, an increase of 33 percent since 2001;

Whereas household debt reached a record $13,750,000,000,000 in 2007;

Whereas, during 2007, a near-record high of more than 14 percent of disposable personal income went to paying the interest on personal debt;

Whereas people in the United States are now facing record numbers of homes in foreclosure, and for the first time in history, they have more total debt than equity in their homes;

Whereas approximately 800,000 families filed for bankruptcy in 2007;

Whereas nearly half of adults in the United States are not aware that they can access their credit reports for free, and 1 in 4 reported having never checked their credit score;

Whereas, in a 2006 survey, the Jump$tart Coalition for Personal Financial Literacy found that high school seniors scored an average of only 52.4 percent on an exam testing knowledge of basic personal finance;

Whereas approximately 10,000,000 households in the United States do not have accounts at mainstream financial institutions such as banks or credit unions;

Whereas expanding access to the mainstream financial system will provide individuals with less expensive and more secure options for managing their finances and building wealth;

Whereas the 2007 Survey of the States compiled by the National Council on Economic Education found that only 22 States require testing of economics as a high school graduation requirement, 3 fewer States than did so in 2004;

Whereas quality personal financial education is essential to ensure that individuals are prepared to manage money, credit, and debt, and to become responsible workers, heads of households, investors, entrepreneurs, business leaders, and citizens;

Whereas increased financial literacy empowers individuals to make wise financial decisions and reduces the confusion caused by the increasingly complex economy of the United States;

Whereas a greater understanding of, and familiarity with, financial markets and institutions will lead to increased economic activity and growth;

Whereas, in 2003, Congress found it important to coordinate Federal financial literacy efforts and formulate a national strategy; and

Whereas, in light of that finding, Congress passed the Financial Literacy and Education Improvement Act of 2003 (Public Law 108–159; 117 Stat. 2003) establishing the Financial Literacy and Education Commission and designating the Office of Financial Education of the Department of the Treasury to provide support for the Commission: Now, therefore, be it

Resolved, That the Senate—

(1) designates April 2008 as ''Financial Literacy Month'' to raise public awareness about—

(A) the importance of personal financial education in the United States; and

(B) the serious consequences that may result from a lack of understanding about personal finances; and

(2) calls on the Federal Government, States, localities, schools, nonprofit organizations, businesses, and the people of the United States to observe the month with appropriate programs and activities.

SENATE CONCURRENT RESOLUTION 72—SUPPORTING THE GOALS AND IDEALS OF THE INTERNATIONAL YEAR OF SANITATION

Mr. DURBIN (for himself, Mr. BROWNBACK, Mr. BROWN, Mr. FEINGOLD, and Mr. VOINOVICH) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 72

Whereas, at the 55th Session of the United Nations General Assembly in 2000, the United States, along with other world leaders, committed to achieving the Millennium Development Goals (MDGs), which provide a framework for countries and international organizations to combat such global social ills as poverty, hunger, and disease;

Whereas one target of the Millennium Development Goals is to halve by 2015 the proportion of people without access to safe drinking water and basic sanitation, the only target to be codified into United States law, in the Paul Simon Water for the Poor Act of 2005 (Public Law 109–121);

Whereas the lack of access to safe water and sanitation is one of the most pressing environmental public health issues in the world;

Whereas over 1,000,000,000 people live without potable water, and an estimated 2,600,000,000 people, including 980,000,000 children, do not have access to basic sanitation facilities;

Whereas, every 20 seconds, a child dies as a direct result of a lack of access to basic sanitation facilities;

Whereas only 36 percent of people in sub-Saharan Africa and 37 percent of people in South Asia have access to safe drinking water and sanitation, the lowest rates in the world;

Whereas, at any one time, almost half of the people in the developing world are suffering from diseases associated with lack of water, sanitation, and hygiene;

Whereas improved sanitation decreases the incidences of debilitating and deadly maladies such as cholera, intestinal worms, diarrhea, pneumonia, dysentery, and skin infections;

Whereas sanitation is the foundation of health, dignity, and development;

Whereas increased sanitation is fundamental for reaching all of the Millennium Development Goals;

Whereas access to basic sanitation helps economic and social development in countries where poor sanitation is a major cause of lost work and school days because of illness;

Whereas sanitation in schools enables children, particularly girls reaching puberty, to remain in the educational system;

Whereas, according to the World Health Organization, every dollar spent on proper sanitation by governments generates an average $7 in economic benefit;

Whereas improved disposal of human waste protects the quality of water sources used for drinking, preparation of food, agriculture, and bathing;

Whereas, at the 61st Session of the United Nations General Assembly in 2006, the United Nations declared 2008 as the International Year of Sanitation to recognize the progress made in achieving the global sanitation target detailed in the Millennium Development Goals, as well as to call upon all member states, United Nations agencies, regional and international organizations, civil society organizations, and other relevant stakeholders to renew their commitment to attaining that target;

Whereas the official launching of the International Year of Sanitation at the United Nations was on November 21, 2007; and

Whereas the thrust of the International Year of Sanitation has three parts, including raising awareness of the importance of sanitation and its impact on reaching other Millennium Development Goals, encouraging governments and its partners to promote and implement policies and actions for meeting the sanitation target, and mobilizing communities, particularly women's groups, towards changing sanitation and hygiene practices through sanitation health-education campaigns: Now, therefore, be it

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

(1) supports the goals and ideals of the International Year of Sanitation;

(2) recognizes the importance of sanitation on public health, poverty reduction, economic and social development, and the environment; and

(3) encourages the people of the United States to observe the International Year of Sanitation with appropriate recognition, ceremonies, activities, and programs to demonstrate the importance of sanitation, hygiene, and access to safe drinking water in achieving the Millennium Development Goals.

AMENDMENTS SUBMITTED AND PROPOSED

SA 4381. Ms. MIKULSKI (for herself, Mr. KENNEDY, and Mr. HARKIN) submitted an amendment intended to be proposed by her to the bill H.R. 3221, moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation; which was ordered to lie on the table.

SA 4382. Mrs. LINCOLN (for herself, Mr. SMITH, Mr. KERRY, Ms. STABENOW, and Mr. LEVIN) submitted an amendment intended to be proposed by her to the bill H.R. 3221, supra; which was ordered to lie on the table.

SA 4383. Mr. NELSON of Florida (for Mrs. FEINSTEIN (for herself, Mr. SESSIONS, Mr. BIDEN, Mr. CORNYN, Mr. COLEMAN, and Mr. LEAHY)) proposed an amendment to the bill S. 980, to amend the Controlled Substances Act to address online pharmacies.

TEXT OF AMENDMENTS

SA 4381. Ms. MIKULSKI (for herself, Mr. KENNEDY, and Mr. HARKIN) submitted an amendment intended to be proposed by her to the bill H.R. 3221, moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation; which was ordered to lie on the table, as follows:

On page 13, line 8, strike ''$200,000,000,000'' and insert ''$237,500,000''.

On page 13, line 13, strike the period and insert the following: '': Provided, That, of such amounts $37,500,000 shall be used by the Neighborhood Reinvestment Corporation (referred to in this section as the 'NRC') to (1) make grants to counseling intermediaries approved by the Department of Housing and Urban Development or the NRC to hire attorneys trained and capable of assisting homeowners of owner-occupied homes with mortgages in default, in danger of default, or subject to or at risk of foreclosure who have legal issues that cannot be handled by counselors already employed by such intermediaries, and (2) support NRC partnerships with State and local legal organizations and organizations described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of that Code with demonstrated relevant legal experience in home foreclosure law, as such experience is determined by the Chief Executive Officer of NRC: Provided further, That for the purpose of the prior proviso the term 'relevant experience' means experience representing homeowners in negotiations and or legal proceedings aimed at preventing or mitigating foreclosure or providing legal research and technical legal expertise to community based organizations whose goal is to reduce, prevent, or mitigate foreclosure: Provided further, That of the amounts provided for in the prior provisos the NRC shall give priority consideration to counseling intermediaries and legal organizations that (1) provide legal assistance in the 100 metropolitan statistical areas (as defined by the Director of the Office of Management and Budget) with the highest home foreclosure rates, and (2) have the capacity to begin using the financial assistance within 90 days after receipt of the assistance.''.

On page 13, between lines 13 and 14, insert the following:

SEC. 302. LEGAL ASSISTANCE RELATED TO HOME OWNERSHIP PRESERVATION AND FORECLOSURE PREVENTION.

(a) APPROPRIATION.—

(1) IN GENERAL.—There is authorized to be appropriated and there is appropriated to the Legal Services Corporation $37,500,000 to provide legal assistance related to home ownership preservation, home foreclosure prevention, and tenancy associated with home foreclosure.

(2) AVAILABILITY.—Such funds shall remain available until expended.

(b) FUNDING REQUIREMENTS.—Each limitation on expenditures, and each term or condition, that applies to funds appropriated to the Legal Services Corporation under the Commerce, Justice, Science, and Related Agencies Appropriations Act, 2008, shall apply to funds appropriated to the Corporation under subsection (a), except as provided in subsections (a)(1) and (c).

(c) PRIORITY.—In providing financial assistance from the funds appropriated under subsection (a), the Corporation shall give priority to eligible entities and individuals that—

(1) provide legal assistance in the 100 metropolitan statistical areas (as defined by the Director of the Office of Management and Budget) with the highest home foreclosure rates; and

(2) have the capacity to begin using the financial assistance within 90 days after receipt of the assistance.

SA 4382. Mrs. LINCOLN (for herself, Mr. SMITH, Mr. KERRY, Ms. STABENOW, and Mr. LEVIN) submitted an amendment intended to be proposed by her to the bill H.R. 3221, moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation; which was ordered to lie on the table, as follows:

At the end of title III add the following:

SEC. 302. EXCLUSION FOR AMOUNTS RECEIVED UNDER QUALIFIED GROUP LEGAL SERVICES PLANS RESTORED, EXTENDED, AND MODIFIED.

(a) REMOVAL OF DOLLAR LIMITATION.—Section 120(a) of the Internal Revenue Code of 1986 (relating to exclusion by employee for contributions and legal services provided by employer) is amended by striking the last sentence.

(b) REAL ESTATE MATTERS EMPHASIZED.—Section 120(c) of the Internal Revenue Code of 1986 (relating to requirements) is amended by adding at the end the following new paragraph:

''(6) BENEFITS.—The plan shall provide, at a minimum, legal services for real estate matters relating to family or personal residences, including document review of real estate sales, purchases, closings, mortgages, and foreclosures.''.

(c) EXTENSION.—Section 120(e) of the Internal Revenue Code of 1986 is amended to read as follows:

''(e) APPLICATION.—This section and section 501(c)(20) shall apply to taxable years beginning after December 31, 2007, and before January 1, 2010.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2007.

SA 4383. Mr. NELSON of Florida (for Mrs. FEINSTEIN (for herself, Mr. SESSIONS, Mr. BIDEN, Mr. CORNYN, Mr. COLEMAN, and Mr. LEAHY) proposed an amendment to the bill S. 980, to amend the Controlled Substances Act to address online pharmacies; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Ryan Haight Online Pharmacy Consumer Protection Act of 2008''.

SEC. 2. REQUIREMENT OF A VALID PRESCRIPTION FOR CONTROLLED SUBSTANCES DISPENSED BY MEANS OF THE INTERNET.

Section 309 of the Controlled Substances Act (21 U.S.C. 829) is amended by adding at the end the following:

''(e) CONTROLLED SUBSTANCES DISPENSED BY MEANS OF THE INTERNET.—

''(1) No controlled substance may be delivered, distributed, or dispensed by means of the Internet without a valid prescription.

''(2) As used in this subsection:

''(A) The term 'valid prescription' means a prescription that is issued for a legitimate medical purpose in the usual course of professional practice by—

''(i) a practitioner who has conducted at least 1 in-person medical evaluation of the patient; or

''(ii) a covering practitioner.

''(B)(i) The term 'in-person medical evaluation' means a medical evaluation that is conducted with the patient in the physical presence of the practitioner, without regard to whether portions of the evaluation are conducted by other health professionals.

''(ii) Nothing in clause (i) shall be construed to imply that 1 in-person medical evaluation demonstrates that a prescription has been issued for a legitimate medical purpose within the usual course of professional practice.

''(C) The term 'covering practitioner' means, with respect to a patient, a practitioner who conducts a medical evaluation (other than an in-person medical evaluation) at the request of a practitioner who—

''(i) has conducted at least 1 in-person medical evaluation of the patient or an evaluation of the patient through the practice of telemedicine, within the previous 24 months; and

''(ii) is temporarily unavailable to conduct the evaluation of the patient.

''(3) Nothing in this subsection shall apply to—

''(A) the delivery, distribution, or dispensing of a controlled substance by a practitioner engaged in the practice of telemedicine; or

''(B) the dispensing or selling of a controlled substance pursuant to practices as determined by the Attorney General by regulation, which shall be consistent with effective controls against diversion.''.

SEC. 3. AMENDMENTS TO THE CONTROLLED SUBSTANCES ACT RELATING TO THE DELIVERY OF CONTROLLED SUBSTANCES BY MEANS OF THE INTERNET.

(a) IN GENERAL.—Section 102 of the Controlled Substances Act (21 U.S.C. 802) is amended by adding at the end the following:

''(50) The term 'Internet' means collectively the myriad of computer and telecommunications facilities, including equipment and operating software, which comprise the interconnected worldwide network of networks that employ the Transmission Control Protocol/Internet Protocol, or any predecessor or successor protocol to such protocol, to communicate information of all kinds by wire or radio.

''(51) The term 'deliver, distribute, or dispense by means of the Internet' refers, respectively, to any delivery, distribution, or dispensing of a controlled substance that is caused or facilitated by means of the Internet.

''(52) The term 'online pharmacy'—

''(A) means a person, entity, or Internet site, whether in the United States or abroad, that knowingly or intentionally delivers, distributes, or dispenses, or offers or attempts to deliver, distribute, or dispense, a controlled substance by means of the Internet; and

''(B) does not include—

''(i) manufacturers or distributors registered under subsection (a), (b), (c), or (d) of section 303 who do not dispense controlled substances to an unregistered individual or entity;

''(ii) nonpharmacy practitioners who are registered under section 303(f) and whose activities are authorized by that registration;

''(iii) any hospital or other medical facility that is operated by an agency of the United States (including the Armed Forces), provided such hospital or other facility is registered under section 303(f);

''(iv) a health care facility owned or operated by an Indian tribe or tribal organization, only to the extent such facility is carrying out a contract or compact under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.);

''(v) any agent or employee of any hospital or facility referred to in clause (iii) or (iv), provided such agent or employee is lawfully acting in the usual course of business or employment, and within the scope of the official duties of such agent or employee, with such hospital or facility, and, with respect to agents or employees of health care facilities specified in clause (iv), only to the extent such individuals are furnishing services pursuant to the contracts or compacts described in such clause;

''(vi) mere advertisements that do not attempt to facilitate an actual transaction involving a controlled substance;

''(vii) a person, entity, or Internet site that is not in the United States and does not facilitate the delivery, distribution, or dispensing of a controlled substance by means of the Internet to any person in the United States;

''(viii) a pharmacy registered under section 303(f) whose dispensing of controlled substances via the Internet consists solely of—

''(I) 'refilling prescriptions for controlled substances in schedule III, IV, or V', as defined in paragraph (55); or

''(II) 'filling new prescriptions for controlled substances in schedule III, IV, or V', as defined in paragraph (56); or

''(ix) any other persons for whom the Attorney General and the Secretary have jointly, by regulation, found it to be consistent with effective controls against diversion and otherwise consistent with the public health and safety to exempt from the definition of an 'online pharmacy'.

''(53) The term 'homepage' means the opening or main page or screen of the website of an online pharmacy that is viewable on the Internet.

''(54) The term 'practice of telemedicine' means, for purposes of this title, the practice of medicine in accordance with applicable Federal and State laws by a practitioner (other than a pharmacist) who is at a location remote from the patient and is communicating with the patient, or health care professional who is treating the patient, using a telecommunications system referred to in section 1834(m) of the Social Security Act (42 U.S.C. 1395m(m)), and that—

''(A) is being conducted—

''(i) while the patient is being treated by, and physically located in, a hospital or clinic registered under section 303(f); and

''(ii) by a practitioner—

''(I) acting in the usual course of professional practice;

''(II) acting in accordance with applicable State law; and

''(III) registered under section 303(f) in the State in which the patient is located, unless the practitioner—

''(aa) is exempted from such registration in all States under section 302(d); or

''(bb) is—

''(AA) an employee or contractor of the Department of Veterans Affairs who is acting in the scope of such employment or contract; and

''(BB) registered under section 303(f) in any State or is utilizing the registration of a hospital or clinic operated by the Department of Veterans Affairs registered under section 303(f);

''(B) is being conducted while the patient is being treated by, and in the physical presence of, a practitioner—

''(i) acting in the usual course of professional practice;

''(ii) acting in accordance with applicable State law; and

''(iii) registered under section 303(f) in the State in which the patient is located, unless the practitioner—

''(I) is exempted from such registration in all States under section 302(d); or

''(II) is—

''(aa) an employee or contractor of the Department of Veterans Affairs who is acting in the scope of such employment or contract; and

''(bb) registered under section 303(f) in any State or is using the registration of a hospital or clinic operated by the Department of Veterans Affairs registered under section 303(f);

''(C) is being conducted by a practitioner—

''(i) who is an employee or contractor of the Indian Health Service, or is working for an Indian tribe or tribal organization under its contract or compact with the Indian Health Service under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.);

''(ii) acting within the scope of the employment, contract, or compact described in clause (i); and

''(iii) who is designated as an Internet Eligible Controlled Substances Provider by the Secretary under section 311(g)(2);

''(D)(i) is being conducted during a public health emergency declared by the Secretary under section 319 of the Public Health Service Act (42 U.S.C. 247d); and

''(ii) involves patients located in such areas, and such controlled substances, as the Secretary, with the concurrence of the Attorney General, designates, provided that such designation shall not be subject to the procedures prescribed by subchapter II of chapter 5 of title 5, United States Code;

''(E) is being conducted by a practitioner who has obtained from the Attorney General a special registration under section 311(h);

''(F) is being conducted—

''(i) in a medical emergency situation—

''(I) that prevents the patient from being in the physical presence of a practitioner registered under section 303(f) who is an employee or contractor of the Veterans Health Administration acting in the usual course of business and employment and within the scope of the official duties or contract of that employee or contractor;

''(II) that prevents the patient from being physically present at a hospital or clinic operated by the Department of Veterans Affairs registered under section 303(f);

''(III) during which the primary care practitioner of the patient or a practitioner otherwise practicing telemedicine within the meaning of this paragraph is unable to provide care or consultation; and

''(IV) that requires immediate intervention by a health care practitioner using controlled substances to prevent what the practitioner reasonably believes in good faith will be imminent and serious clinical consequences, such as further injury or death; and

''(ii) by a practitioner that—

''(I) is an employee or contractor of the Veterans Health Administration acting within the scope of that employment or contract;

''(II) is registered under section 303(f) in any State or is utilizing the registration of a hospital or clinic operated by the Department of Veterans Affairs registered under section 303(f); and

''(III) issues a controlled substance prescription in this emergency context that is limited to a maximum of a 5-day supply which may not be extended or refilled; or

''(G) is being conducted under any other circumstances that the Attorney General and the Secretary have jointly, by regulation, determined to be consistent with effective controls against diversion and otherwise consistent with the public health and safety.

''(55) The term 'refilling prescriptions for controlled substances in schedule III, IV, or V'—

''(A) means the dispensing of a controlled substance in schedule III, IV, or V in accordance with refill instructions issued by a practitioner as part of a valid prescription that meets the requirements of subsection (b) or (c) of section 309, as appropriate; and

''(B) does not include the issuance of a new prescription to an individual for a controlled substance that individual was previously prescribed.

''(56) The term 'filling new prescriptions for controlled substances in schedule III, IV, or V' means a prescription for an individual

for a controlled substance in schedule III, IV, or V, if—

''(A) the pharmacy dispensing that prescription has previously dispensed to the patient that same controlled substance other than by means of the Internet and pursuant to the valid prescription of a practitioner that meets the applicable requirements of sections 309(b) or (c) (in this paragraph referred to as the 'original prescription');

''(B) the pharmacy contacts the practitioner who issued the original prescription at the request of that individual to determine whether the practitioner will authorize the issuance of a new prescription for that individual for the controlled substance described in subparagraph (A); and

''(C) the practitioner, acting in the usual course of professional practice, determines there is a legitimate medical purpose for the issuance of the new prescription.''.

(b) REGISTRATION REQUIREMENTS.—Section 303(f) of the Controlled Substances Act (21 U.S.C. 823(f)) is amended in the matter preceding paragraph (1)—

(1) in the first sentence, by adding after ''schedule II, III, IV, or V'' the following: ''and shall modify the registrations of pharmacies so registered to authorize them to dispense controlled substances by means of the Internet''; and

(2) in the second sentence, by striking ''if he determines that the issuance of such registration'' and inserting ''or such modification of registration if the Attorney General determines that the issuance of such registration or modification''.

(c) REPORTING REQUIREMENTS.—Section 307(d) of the Controlled Substances Act (21 U.S.C. 827(d)) is amended by—

(1) designating the text as paragraph (1); and

(2) inserting after paragraph (1), as so designated by this Act, the following:

''(2) Each pharmacy with a modified registration under section 303(f) that authorizes the dispensing of controlled substances by means of the Internet shall report to the Attorney General the controlled substances it dispenses, in the amount specified, and in such time and manner as the Attorney General by regulation shall require, except that the Attorney General, under this paragraph, may not require any pharmacy to report any information other than the total quantity of each controlled substance that the pharmacy has dispensed each month. For purposes of this subsection, no reporting shall be required unless the pharmacy has met 1 of the following thresholds in the month for which the reporting is required:

''(A) 100 or more prescriptions dispensed.

''(B) 5,000 or more dosage units of all controlled substances combined.''.

(d) ONLINE PRESCRIPTION REQUIREMENTS.—

(1) IN GENERAL.—The Controlled Substances Act is amended by inserting after section 310 (21 U.S.C. 830) the following:

''ADDITIONAL REQUIREMENTS RELATING TO ONLINE PHARMACIES AND TELEMEDICINE

''SEC. 311. (a) IN GENERAL.—An online pharmacy shall display in a visible and clear manner on its homepage a statement that it complies with the requirements of this section with respect to the delivery or sale or offer for sale of controlled substances and shall at all times display on the homepage of its Internet site a declaration of compliance in accordance with this section.

''(b) LICENSURE.—Each online pharmacy shall comply with the requirements of State law concerning the licensure of pharmacies in each State from which it, and in each State to which it, delivers, distributes, or dispenses or offers to deliver, distribute, or dispense controlled substances by means of the Internet, pursuant to applicable licensure requirements, as determined by each such State.

''(c) INTERNET PHARMACY SITE DISCLOSURE INFORMATION.—Each online pharmacy shall post in a visible and clear manner on the homepage of each Internet site it operates, or on a page directly linked thereto in which the hyperlink is also visible and clear on the homepage, the following information for each pharmacy that delivers, distributes, or dispenses controlled substances pursuant to orders made on, through, or on behalf of, that website:

''(1) The name and address of the pharmacy as it appears on the pharmacy's Drug Enforcement Administration certificate of registration.

''(2) The pharmacy's telephone number and email address.

''(3) The name, professional degree, and States of licensure of the pharmacist-in-charge, and a telephone number at which the pharmacist-in-charge can be contacted.

''(4) A list of the States in which the pharmacy is licensed to dispense controlled substances.

''(5) A certification that the pharmacy is registered under this part to deliver, distribute, or dispense by means of the Internet controlled substances.

''(6) The name, address, telephone number, professional degree, and States of licensure of any practitioner who has a contractual relationship to provide medical evaluations or issue prescriptions for controlled substances, through referrals from the website or at the request of the owner or operator of the website, or any employee or agent thereof.

''(7) The following statement, unless revised by the Attorney General by regulation: 'This online pharmacy will only dispense a controlled substance to a person who has a valid prescription issued for a legitimate medical purpose based upon a medical relationship with a prescribing practitioner. This includes at least one prior in-person medical evaluation or medical evaluation via telemedicine in accordance with applicable requirements of section 309 of the Controlled Substances Act (21 U.S.C. 829).'.

''(d) NOTIFICATION.—(1) Thirty days prior to offering a controlled substance for sale, delivery, distribution, or dispensing, the online pharmacy shall notify the Attorney General, in the form and manner as the Attorney General shall determine, and the State boards of pharmacy in any States in which the online pharmacy offers to sell, deliver, distribute, or dispense controlled substances.

''(2) The notification required under paragraph (1) shall include—

''(A) the information required to be posted on the online pharmacy's Internet site under subsection (c) and shall notify the Attorney General and the applicable State boards of pharmacy, under penalty of perjury, that the information disclosed on its Internet site under subsection (c) is true and accurate;

''(B) the online pharmacy's Internet site address and a certification that the online pharmacy shall notify the Attorney General of any change in the address at least 30 days in advance; and

''(C) the Drug Enforcement Administration registration numbers of any pharmacies and practitioners referred to in subsection (c), as applicable.

''(3) An online pharmacy that is already operational as of the effective date of this section, shall notify the Attorney General and applicable State boards of pharmacy in accordance with this subsection not later than 30 days after the effective date of this section.

''(e) DECLARATION OF COMPLIANCE.—On and after the date on which it makes the notification under subsection (d), each online pharmacy shall display on the homepage of its Internet site, in such form as the Attorney General shall by regulation require, a declaration that it has made such notification to the Attorney General.

''(f) REPORTS.—Any statement, declaration, notification, or disclosure required under this section shall be considered a report required to be kept under this part.

''(g) NOTICE AND DESIGNATIONS CONCERNING INDIAN TRIBES.—

''(1) IN GENERAL.—For purposes of sections 102(52) and 512(c)(6)(B), the Secretary shall notify the Attorney General, at such times and in such manner as the Secretary and the Attorney General determine appropriate, of the Indian tribes or tribal organizations with which the Secretary has contracted or compacted under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) for the tribes or tribal organizations to provide pharmacy services.

''(2) DESIGNATIONS.—

''(A) IN GENERAL.—The Secretary may designate a practitioner described in subparagraph (B) as an Internet Eligible Controlled Substances Provider. Such designations shall be made only in cases where the Secretary has found that there is a legitimate need for the practitioner to be so designated because the population served by the practitioner is in a sufficiently remote location that access to medical services is limited.

''(B) PRACTITIONERS.—A practitioner described in this subparagraph is a practitioner who is an employee or contractor of the Indian Health Service, or is working for an Indian tribe or tribal organization under its contract or compact under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) with the Indian Health Service.

''(h) SPECIAL REGISTRATION FOR TELEMEDICINE.—

''(1) IN GENERAL.—The Attorney General may issue to a practitioner a special registration to engage in the practice of telemedicine for purposes of section 102(54)(E) if the practitioner, upon application for such special registration—

''(A) demonstrates a legitimate need for the special registration; and

''(B) is registered under section 303(f) in the State in which the patient will be located when receiving the telemedicine treatment, unless the practitioner—

''(i) is exempted from such registration in all States under section 302(d); or

''(ii) is an employee or contractor of the Department of Veterans Affairs who is acting in the scope of such employment or contract and is registered under section 303(f) in any State or is utilizing the registration of a hospital or clinic operated by the Department of Veterans Affairs registered under section 303(f).

''(2) REGULATIONS.—The Attorney General shall, with the concurrence of the Secretary, promulgate regulations specifying the limited circumstances in which a special registration under this subsection may be issued and the procedures for obtaining such a special registration.

''(3) DENIALS.—Proceedings to deny an application for registration under this subsection shall be conducted in accordance with section 304(c).

''(i) REPORTING OF TELEMEDICINE BY VHA DURING MEDICAL EMERGENCY SITUATIONS.—

''(1) IN GENERAL.—Any practitioner issuing a prescription for a controlled substance under the authorization to conduct telemedicine during a medical emergency situation described in section 102(54)(F) shall report to the Secretary of Veterans Affairs the authorization of that emergency prescription, in accordance with such requirements as the Secretary of Veterans Affairs shall, by regulation, establish.

''(2) TO ATTORNEY GENERAL.—Not later than 30 days after the date that a prescription described in subparagraph (A) is issued, the Secretary of Veterans Affairs shall report to the Attorney General the authorization of that emergency prescription.

''(j) CLARIFICATION CONCERNING PRESCRIPTION TRANSFERS.—Any transfer between pharmacies of information relating to a prescription for a controlled substance shall meet the applicable requirements under regulations promulgated by the Attorney General under this Act.''.

(2) TECHNICAL AND CONFORMING AMENDMENTS.—The table of contents for the Comprehensive Drug Abuse Prevention and Control Act of 1970 (Public Law 91–513; 84 Stat. 1236) is amended by inserting after the item relating to section 310 the following:

''Sec. 311. Additional requirements relating to online pharmacies and telemedicine.''.

(e) OFFENSES INVOLVING CONTROLLED SUBSTANCES IN SCHEDULES III, IV, AND V.—Section 401(b) of the Controlled Substances Act (21 U.S.C. 841(b)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (C), by striking ''1 gram of'' before ''flunitrazepam'';

(B) in subparagraph (D), by striking ''or in the case of any controlled substance in schedule III (other than gamma hydroxybutyric acid), or 30 milligrams of flunitrazepam''; and

(C) by adding at the end the following:

''(E)(i) In the case of any controlled substance in schedule III, such person shall be sentenced to a term of imprisonment of not more than 10 years and if death or serious bodily injury results from the use of such substance shall be sentenced to a term of imprisonment of not more than 20 years, a fine not to exceed the greater of that authorized in accordance with the provisions of title 18, United States Code, or $500,000 if the defendant is an individual or $2,500,000 if the defendant is other than an individual, or both.

''(ii) If any person commits such a violation after a prior conviction for a felony drug offense has become final, such person shall be sentenced to a term of imprisonment of not more than 20 years and if death or serious bodily injury results from the use of such substance shall be sentenced to a term of imprisonment of not more than 30 years, a fine not to exceed the greater of twice that authorized in accordance with the provisions of title 18, United States Code, or $1,000,000 if the defendant is an individual or $5,000,000 if the defendant is other than an individual, or both.

''(iii) Any sentence imposing a term of imprisonment under this subparagraph shall, in the absence of such a prior conviction, impose a term of supervised release of at least 2 years in addition to such term of imprisonment and shall, if there was such a prior conviction, impose a term of supervised release of at least 4 years in addition to such term of imprisonment.'';

(2) in paragraph (2)—

(A) by striking ''3 years'' and inserting ''5 years'';

(B) by striking ''6 years'' and inserting ''10 years'';

(C) by striking ''after one or more prior convictions'' and all that follows through ''have become final,'' and inserting ''after a prior conviction for a felony drug offense has become final,''; and

(3) in paragraph (3)—

(A) by striking ''2 years'' and inserting ''6 years'';

(B) by striking ''after one or more convictions'' and all that follows through ''have become final,'' and inserting ''after a prior conviction for a felony drug offense has become final,''; and

(C) by adding at the end the following ''Any sentence imposing a term of imprisonment under this paragraph may, if there was a prior conviction, impose a term of supervised release of not more than 1 year, in addition to such term of imprisonment.''.

(f) OFFENSES INVOLVING DISPENSING OF CONTROLLED SUBSTANCES BY MEANS OF THE INTERNET.—Section 401 of the Controlled Substances Act (21 U.S.C. 841) is amended by adding at the end the following:

''(g) OFFENSES INVOLVING DISPENSING OF CONTROLLED SUBSTANCES BY MEANS OF THE INTERNET.—(1) It shall be unlawful for any person to knowingly or intentionally—

''(A) deliver, distribute, or dispense a controlled substance by means of the Internet, except as authorized by this title; or

''(B) aid or abet (as such terms are used in section 2 of title 18, United States Code) any activity described in subparagraph (A) that is not authorized by this title.

''(2) Examples of activities that violate paragraph (1) include, but are not limited to, knowingly or intentionally—

''(A) delivering, distributing, or dispensing a controlled substance by means of the Internet by an online pharmacy that is not validly registered with a modification authorizing such activity as required by section 303(f) (unless exempt from such registration);

''(B) writing a prescription for a controlled substance for the purpose of delivery, distribution, or dispensation by means of the Internet in violation of section 309(e);

''(C) serving as an agent, intermediary, or other entity that causes the Internet to be used to bring together a buyer and seller to engage in the dispensing of a controlled substance in a manner not authorized by sections 303(f) or 309(e);

''(D) offering to fill a prescription for a controlled substance based solely on a consumer's completion of an online medical questionnaire; and

''(E) making a material false, fictitious, or fraudulent statement or representation in the submission to the Attorney General under section 311.

''(3)(A) This subsection does not apply to—

''(i) the delivery, distribution, or dispensation of controlled substances by nonpractitioners to the extent authorized by their registration under this title;

''(ii) the placement on the Internet of material that merely advocates the use of a controlled substance or includes pricing information without attempting to propose or facilitate an actual transaction involving a controlled substance; or

''(iii) except as provided in subparagraph (B), any activity that is limited to—

''(I) the provision of a telecommunications service, or of an Internet access service or Internet information location tool (as those terms are defined in section 231 of the Communications Act of 1934 (47 U.S.C. 231)); or

''(II) the transmission, storage, retrieval, hosting, formatting, or translation (or any combination thereof) of a communication, without selection or alteration of the content of the communication, except that deletion of a particular communication or material made by another person in a manner consistent with section 230(c) of the Communications Act of 1934 (47 U.S.C. 230(c)) shall not constitute such selection or alteration of the content of the communication.

''(B) The exceptions under subclauses (I) and (II) of subparagraph (A)(iii) shall not apply to a person acting in concert with a person who violates paragraph (1).

''(4) Any person who knowingly or intentionally violates this subsection shall be sentenced in accordance with subsection (b) of this section.''.

(g) PUBLICATION.—Section 403(c) of the Controlled Substances Act (21 U.S.C. 843(c)) is amended by—

(1) designating the text as paragraph (1); and

(2) adding at the end the following:

''(2)(A) Except as authorized by this title, it shall be unlawful for any person by means of the Internet to knowingly advertise the sale or distribution of, or to offer to sell, distribute, or dispense, a controlled substance.

''(B) Examples of activities that violate subparagraph (A) include, but are not limited to, knowingly or intentionally causing the placement on the Internet of an advertisement that refers to or directs prospective buyers to Internet sellers of controlled substances who are not registered with a modification under section 303(f).

''(C) Subparagraph (A) does not apply to material that either—

''(i) merely advertises the distribution of controlled substances by nonpractitioners to the extent authorized by their registration under this title; or

''(ii) merely advocates the use of a controlled substance or includes pricing information without attempting to facilitate an actual transaction involving a controlled substance.''.

(h) INJUNCTIVE RELIEF.—Section 512 of the Controlled Substances Act (21 U.S.C. 882) is amended by adding at the end the following:

''(c) STATE CAUSE OF ACTION PERTAINING TO ONLINE PHARMACIES.—(1) In any case in which the State has reason to believe that an interest of the residents of that State has been or is being threatened or adversely affected by the action of a person, entity, or Internet site that violates the provisions of section 303(f), 309(e), or 311, the State may bring a civil action on behalf of such residents in a district court of the United States with appropriate jurisdiction—

''(A) to enjoin the conduct which violates this section;

''(B) to enforce compliance with this section;

''(C) to obtain damages, restitution, or other compensation, including civil penalties under section 402(b); and

''(D) to obtain such other legal or equitable relief as the court may find appropriate.

''(2)(A) Prior to filing a complaint under paragraph (1), the State shall serve a copy of the complaint upon the Attorney General and upon the United States Attorney for the judicial district in which the complaint is to be filed. In any case where such prior service is not feasible, the State shall serve the complaint on the Attorney General and the appropriate United States Attorney on the same day that the State's complaint is filed in Federal district court of the United States. Such proceedings shall be independent of, and not in lieu of, criminal prosecutions or any other proceedings under this title or any other laws of the United States.

''(B) Upon receiving notice respecting a civil action pursuant to this section, the United States shall have the right to intervene in such action, upon so intervening, to be heard on all matters arising therein, and to file petitions for appeal.

''(C) Service of a State's complaint on the United States as required in this paragraph shall be made in accord with the requirements of rule 4(i)(1) of the Federal Rule of Civil Procedure.

''(3) For purposes of bringing any civil action under paragraph (1), nothing in this Act shall prevent an attorney general of a State from exercising the powers conferred on the attorney general of a State by the laws of such State to conduct investigations or to administer oaths or affirmations or to compel the attendance of witnesses of or the production of documentary or other evidence.

''(4) Any civil action brought under paragraph (1) in a district court of the United States may be brought in the district in

which the defendant is found, is an inhabitant, or transacts business or wherever venue is proper under section 1391 of title 28, United States Code. Process in such action may be served in any district in which the defendant is an inhabitant or in which the defendant may be found.

''(5) No private right of action is created under this subsection.

''(6) No civil action may be brought under paragraph (1) against—

''(A) the United States;

''(B) an Indian Tribe or tribal organization, to the extent such tribe or tribal organization is lawfully carrying out a contract or compact under the Indian Self-Determination and Education Assistance Act; or

''(C) any employee of the United States or such Indian tribe or tribal organization, provided such agent or employee is acting in the usual course of business or employment, and within the scope of the official duties of such agent or employee therewith.''.

(i) FORFEITURE OF FACILITATING PROPERTY IN DRUG CASES.—Section 511(a)(4) of the Controlled Substances Act (21 U.S.C. 881(a)(4)) is amended to read as follows:

''(4) Any property, real or personal, tangible or intangible, used or intended to be used to commit, or to facilitate the commission, of a violation of this title or title III, and any property traceable thereto.''.

(j) IMPORT AND EXPORT ACT.—Section 1010(b) of the Controlled Substances Import and Export Act (21 U.S.C. 960(b)) is amended—

(1) in paragraph (4)—

(A) by striking ''or any quantity of a controlled substance in schedule III, IV, or V, (except a violation involving flunitrazepam and except a violation involving gamma hydroxybutyric acid)'';

(B) by inserting '', or'' before ''less than one kilogram of hashish oil''; and

(C) striking ''imprisoned'' and all that follows through the end of the paragraph and inserting ''sentenced in accordance with section 401(b)(1)(D) of this title (21 U.S.C. 841(b)(1)(E)).'';

(2) by adding at the end the following:

''(5) In the case of a violation of subsection (a) of this section involving a controlled substance in schedule III, such person shall be sentenced in accordance with section 401(b)(1)(E).

''(6) In the case of a violation of subsection (a) of this section involving a controlled substance in schedule IV (except a violation involving flunitrazepam), such person shall be sentenced in accordance with section 401(b)(2).

''(7) In the case of a violation of subsection (a) of this section involving a controlled substance in schedule V, such person shall be sentenced in accordance with section 401(b)(3).''; and

(3) in paragraph (3), by striking '', nor shall a person so sentenced be eligible for parole during the term of such a sentence'' in the final sentence.

(k) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this Act shall take effect 180 days after the date of enactment of this Act.

(2) DEFINITION OF PRACTICE OF TELEMEDICINE.—

(A) IN GENERAL.—Until the earlier of 3 months after the date on which regulations are promulgated to carry out section 311(h) of the Controlled Substances Act, as amended by this Act, or 15 months after the date of enactment of this Act—

(i) the definition of the term ''practice of telemedicine'' in subparagraph (B) of this paragraph shall apply for purposes of the Controlled Substances Act; and

(ii) the definition of the term ''practice of telemedicine'' in section 102(54) of the Controlled Substances Act, as amended by this Act, shall not apply.

(B) TEMPORARY PHASE-IN OF TELEMEDICINE REGULATION.—During the period specified in subparagraph (A), the term ''practice of telemedicine'' means the practice of medicine in accordance with applicable Federal and State laws by a practitioner (as that term is defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)) (other than a pharmacist) who is at a location remote from the patient and is communicating with the patient, or health care professional who is treating the patient, using a telecommunications system referred to in section 1834(m) of the Social Security Act (42 U.S.C. 1395m(m)), if the practitioner is using an interactive telecommunications system that satisfies the requirements of section 410.78(a)(3) of title 42, Code of Federal Regulations.

(C) RULE OF CONSTRUCTION.—Nothing in this subsection may be construed to create a precedent that any specific course of conduct constitutes the ''practice of telemedicine'' (as that term is defined in section 102(54) of the Controlled Substances Act, as amended by this Act) after the end of the period specified in subparagraph (A).

(l) GUIDELINES AND REGULATIONS.—

(1) IN GENERAL.—The Attorney General may promulgate and enforce any rules, regulations, and procedures which may be necessary and appropriate for the efficient execution of functions under this Act or the amendments made by this Act, and, with the concurrence of the Secretary of Health and Human Services where this Act or the amendments made by this Act so provides, promulgate any interim rules necessary for the implementation of this Act or the amendments made by this Act, prior to its effective date.

(2) SENTENCING GUIDELINES.—The United States Sentencing Commission, in determining whether to amend, or establish new, guidelines or policy statements, to conform the Federal sentencing guidelines and policy statements to this Act and the amendments made by this Act—

(A) shall consult with the Department of Justice, experts and other affected parties concerning which penalties for scheduled substances amended by this Act should be reflected in the Federal sentencing guidelines; and

(B) should not construe any change in the maximum penalty for a violation involving a controlled substance in a particular schedule as being the sole reason to amend a, or establish a new, guideline or policy statement.

(m) ANNUAL REPORT.—Not later than 180 days after the date of enactment of this Act, and annually for 2 years after the initial report, the Drug Enforcement Administration, in consultation with the Department of State, shall submit to Congress a report describing—

(1) the foreign supply chains and sources of controlled substances offered for sale without a valid prescription on the Internet;

(2) the efforts and strategy of the Drug Enforcement Administration to decrease the foreign supply chain and sources of controlled substances offered for sale without a valid prescription on the Internet; and

(3) the efforts of the Drug Enforcement Administration to work with domestic and multinational pharmaceutical companies and others to build international cooperation and a commitment to fight on a global scale the problem of distribution of controlled substances over the Internet without a valid prescription.

SEC. 4. RULE OF CONSTRUCTION.

Nothing in this Act or the amendments made by this Act shall be construed as authorizing, prohibiting, or limiting the use of electronic prescriptions for controlled substances.

NOTICE OF MEETING

Mrs. FEINSTEIN. Mr. President, I wish to announce that the organizational meeting for the Joint Congressional Committee on Inaugural Ceremonies will be held tomorrow, Wednesday, April 2, 2008, at 5:15 p.m., in room S–219 of the Capitol.

For further information regarding this meeting, please contact Howard Gantman at the Senate Committee on Rules and Administration, 224–6352.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate to conduct a hearing on Tuesday, April 1, 2008, at 2:30 p.m., in room SD–366 of the Dirksen Senate Office Building.

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

COMMITTEE ON FINANCE

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Tuesday, April 1, 2008, at 10 a.m., in room 215 of the Dirksen Senate Office Building, to hear testimony on ''Anti-Terrorism Financing: Progress Made and the Challenges Ahead''.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, April 1, 2008, at 2:30 p.m., to hold a closed briefing on Iraq.

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

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet, during the session of the Senate, to conduct a hearing entitled ''Serious OSHA Violations: Strategies for Breaking Dangerous Patterns'' on Tuesday, April 1, 2008. The hearing will commence at 10 a.m. in room 430 of the Dirksen Senate Office Building.

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

READINESS AND MANAGEMENT SUPPORT SUBCOMMITTEE

Mr. DURBIN. 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 Tuesday, April 1, 2008, at 2:30 p.m., in open session to receive testimony on the current readiness of the Armed Forces in review of the defense authorization request for fiscal year 2009 and the Future Years Defense Program.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. DURBIN. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on April 1, 2008, at 2:30 p.m. to hold a closed business meeting.

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

SUBCOMMITTEE ON AIRLAND

Mr. DURBIN. Mr. President, I ask unanimous consent that the Subcommittee on Airland of the Committee on Armed Services be authorized to meet during the session of the Senate on Tuesday, April 1, 2008, at 9:30 a.m., in open session to receive testimony on the Army's new doctrine (field manual 3–0, operations) in review of the defense authorization request for fiscal year 2009 and the Future Years Defense Program.

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

SUBCOMMITTEE ON HUMAN RIGHTS AND THE LAW

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary, Subcommittee on Human Rights and the Law, be authorized to meet during the session of the Senate to conduct a hearing entitled ''Rape as a Weapon of War: Accountability for Sexual Violence in Conflict'' on Tuesday, April 1, 2008, at 10 a.m., in room SD–226 of the Dirksen Senate Office Building.

Witness list

Lisa F. Jackson, Documentary Maker and Director of ''The Greatest Silence: Rape in the Congo'', New York, NY; Karin Wachter, Acting Gender-Based Violence Senior Technical Advisor, International Rescue Committee, New York, NY; Dr. Kelly Dawn Askin, Senior Legal Officer, Open Society Justice Initiative, New York, NY; Dr. Denis Mukwege, Director, Panzi General Referral Hospital, Bukavu, South Kivu, Democratic Republic of the Congo.

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

SUBCOMMITTEE ON STRATEGIC FORCES

Mr. DURBIN. Mr. President, I ask unanimous consent that the Subcommittee on Strategic Forces of the Committee on Armed Services be authorized to meet during the session of the Senate on Tuesday, April 1, 2008, at 2:30 p.m., in open session to receive testimony on ballistic missile defense programs in review of the Defense authorization request for fiscal year 2009 and the Future Years Defense Program.

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

DISCHARGE AND REFERRAL—S. 2756

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the HELP Committee be discharged from further consideration of S. 2756, and the bill be referred to the Committee on the Judiciary.

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

FINANCIAL LITERACY MONTH

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 495, submitted earlier today by Senator AKAKA.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 495) designating April 2008 as ''Financial Literacy Month.''

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

Mr. AKAKA. Mr. President, it pleases me to once again sponsor a resolution designating April as Financial Literacy Month. I thank the cosponsors of this resolution, Senators ENZI, DODD, STABENOW, LEVIN, SCHUMER, INOUYE, MENENDEZ, CRAPO, JOHNSON, CARDIN, LINCOLN, COCHRAN, MARTINEZ, MURRAY, ALLARD, DURBIN, BAUCUS, and FEINSTEIN.

Without a sufficient understanding of economics and personal finance, individuals will not be able to appropriately manage their finances, evaluate credit opportunities, and successfully invest for long-term financial goals in an increasingly complex marketplace. It is essential that we work toward improving education and consumer protection, and empowering individuals through economic and financial literacy in order to build stronger families, businesses, and communities. Now more than ever, it is imperative that education in economics, credit, and personal finance takes center stage. During the past year, we have seen the unscrupulous nature of predatory lenders as they enticed millions of families into complicated loans they could not afford nor understand, and we are now witnessing the results of a faltering housing market that has begun to impact other sectors of the U.S. economy. Rapidly increasing access to credit for Americans was not matched by efforts to ensure they could make sense of the complex agreements they were entering into.

As recent statistics released by the Federal Reserve and the Department of Commerce have shown, consumer debt in America continues to rise. Last year, the total amount of consumer debt topped $2.5 trillion, of which credit card balances comprise a major portion. Hard-working Americans now spend a record 14 percent of their income just to pay the interest on their accumulated consumer debt. Personal savings rates have been negative for 2 out of the last 3 years, a situation not seen in this country since the Great Depression. In a time of rising costs of energy, higher education, and health care, it is even more challenging for working families to navigate their difficult financial situations.

Furthermore, a study conducted last year by the National Council on Economic Education found that, compared with 2004, even fewer States now require testing knowledge of economics as a requirement for high school graduation. We need to do more to invest in financial literacy now for our young men and women in order to ensure a knowledgeable, prosperous generation of future American leaders who will be able to make decisions that will benefit both their families and our nation.

I thank those organizations and individuals who do their part to ensure the education of personal finance reaches as many Americans as possible, and I applaud their efforts in these times of economic distress.

Taking the month of April to focus our attention on financial literacy will allow us to make steady progress in helping to make Americans more competent with their limited financial resources. I urge my colleagues to join with me in the swift passage of this resolution, and together we can work toward a future where all Americans enjoy the benefits of a financially literate society.

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and that any statements be printed in the RECORD.

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

The resolution (S. Res. 495) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 495

Whereas the personal savings rate of people in the United States declined from negative 0.5 percent in 2005 to negative 1.0 percent in 2006, making 2005 and 2006 the only years since the Great Depression years of 1932 and 1933 when the savings rate has been negative, and the decline continued in the first month of 2008;

Whereas, in April 2007, a survey on personal finances reported that 25 percent of workers in the United States responded as having ''no savings'';

Whereas the 2007 Retirement Confidence Survey conducted by the Employee Benefit Research Institute found that only 43 percent of workers or their spouses calculated how much they need to save for retirement, down from 53 percent in 2000;

Whereas consumer debt exceeded $2,500,000,000,000 in 2007, an increase of 33 percent since 2001;

Whereas household debt reached a record $13,750,000,000,000 in 2007;

Whereas, during 2007, a near-record high of more than 14 percent of disposable personal income went to paying the interest on personal debt;

Whereas people in the United States are now facing record numbers of homes in foreclosure, and for the first time in history,

they have more total debt than equity in their homes;

Whereas approximately 800,000 families filed for bankruptcy in 2007;

Whereas nearly half of adults in the United States are not aware that they can access their credit reports for free, and 1 in 4 reported having never checked their credit score;

Whereas, in a 2006 survey, the Jump$tart Coalition for Personal Financial Literacy found that high school seniors scored an average of only 52.4 percent on an exam testing knowledge of basic personal finance;

Whereas approximately 10,000,000 households in the United States do not have accounts at mainstream financial institutions such as banks or credit unions;

Whereas expanding access to the mainstream financial system will provide individuals with less expensive and more secure options for managing their finances and building wealth;

Whereas the 2007 Survey of the States compiled by the National Council on Economic Education found that only 22 States require testing of economics as a high school graduation requirement, 3 fewer States than did so in 2004;

Whereas quality personal financial education is essential to ensure that individuals are prepared to manage money, credit, and debt, and to become responsible workers, heads of households, investors, entrepreneurs, business leaders, and citizens;

Whereas increased financial literacy empowers individuals to make wise financial decisions and reduces the confusion caused by the increasingly complex economy of the United States;

Whereas a greater understanding of, and familiarity with, financial markets and institutions will lead to increased economic activity and growth;

Whereas, in 2003, Congress found it important to coordinate Federal financial literacy efforts and formulate a national strategy; and

Whereas, in light of that finding, Congress passed the Financial Literacy and Education Improvement Act of 2003 (Public Law 108–159; 117 Stat. 2003) establishing the Financial Literacy and Education Commission and designating the Office of Financial Education of the Department of the Treasury to provide support for the Commission: Now, therefore, be it

Resolved, That the Senate—

(1) designates April 2008 as ''Financial Literacy Month'' to raise public awareness about—

(A) the importance of personal financial education in the United States; and

(B) the serious consequences that may result from a lack of understanding about personal finances; and

(2) calls on the Federal Government, States, localities, schools, nonprofit organizations, businesses, and the people of the United States to observe the month with appropriate programs and activities.

RYAN HAIGHT ONLINE PHARMACY CONSUMER PROTECTION ACT OF 2007

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 617, S. 980.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 980) to amend the Controlled Substances Act to address online pharmacies.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on the Judiciary, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Ryan Haight Online Pharmacy Consumer Protection Act of 2007''.

SEC. 2. REQUIREMENT OF A VALID PRESCRIPTION FOR CONTROLLED SUBSTANCES DISPENSED BY MEANS OF THE INTERNET.

Section 309 of the Controlled Substances Act (21 U.S.C. 829) is amended by adding at the end the following new subsection:

''(e) CONTROLLED SUBSTANCES DISPENSED BY MEANS OF THE INTERNET.—

''(1) No controlled substance may be delivered, distributed, or dispensed by means of the Internet without a valid prescription.

''(2) As used in this subsection:

''(A) The term 'valid prescription' means a prescription that is issued for a legitimate medical purpose in the usual course of professional practice by—

''(i) a practitioner who has conducted at least one in-person medical evaluation of the patient; or

''(ii) a covering practitioner.

''(B)(i) The term 'in-person medical evaluation' means a medical evaluation that is conducted with the patient in the physical presence of the practitioner, without regard to whether portions of the evaluation are conducted by other health professionals.

''(ii) Nothing in clause (i) shall be construed to imply that one in-person medical evaluation demonstrates that a prescription has been issued for a legitimate medical purpose within the usual course of professional practice.

''(C) The term 'covering practitioner' means, with respect to a patient, a practitioner who conducts a medical evaluation (other than an in-person medical evaluation) at the request of a practitioner who—

''(i) has conducted at least one in-person medical evaluation of the patient during the 24-month period ending on the date of that medical evaluation; and

''(ii) is temporarily unavailable to conduct the evaluation of the patient.

''(3) Nothing in this subsection shall apply to—

''(A) the delivery, distribution, or dispensing of a controlled substance by a practitioner engaged in the practice of telemedicine if—

''(i) the telemedicine is being conducted while the patient is being treated by, and physically located in, a hospital or clinic registered under section 303(f), and the practitioner conducting the practice of telemedicine is registered under section 303(f) in the State in which the patient is located and is acting in the usual course of professional practice and in accordance with applicable State law;

''(ii) the telemedicine is being conducted while the patient is being treated by, and in the physical presence of, a practitioner registered under section 303(f) who is acting in the usual course of professional practice, and the practitioner conducting the practice of telemedicine is registered under section 303(f) in the State in which the patient is located and is acting in the usual course of professional practice and in accordance with applicable State law; or

''(iii) the telemedicine is being conducted under any other circumstances that the Attorney General and the Secretary have jointly, by regulation, determined to be consistent with effective controls against diversion and otherwise consistent with the public health and safety; or

''(B) the dispensing or selling of a controlled substance pursuant to practices as determined by the Attorney General by regulation, which shall be consistent with effective controls against diversion.''.

SEC. 3. AMENDMENTS TO THE CONTROLLED SUBSTANCES ACT RELATING TO THE DELIVERY OF CONTROLLED SUBSTANCES BY MEANS OF THE INTERNET.

(a) IN GENERAL.—Section 102 of the Controlled Substances Act (21 U.S.C. 802) is amended by adding at the end the following:

''(50) The term 'Internet' means collectively the myriad of computer and telecommunications facilities, including equipment and operating software, which comprise the interconnected worldwide network of networks that employ the Transmission Control Protocol/Internet Protocol, or any predecessor or successor protocol to such protocol, to communicate information of all kinds by wire or radio.

''(51) The term 'deliver, distribute, or dispense by means of the Internet' refers, respectively, to any delivery, distribution, or dispensing of a controlled substance that is caused or facilitated by means of the Internet.

''(52) The term 'online pharmacy'—

''(A) means a person, entity, or Internet site, whether in the United States or abroad, that knowingly or intentionally delivers, distributes, or dispenses, or offers or attempts to deliver, distribute, or dispense, a controlled substance by means of the Internet; and

''(B) does not include—

''(i) manufacturers or distributors registered under subsection (a), (b), (c), or (d) of section 303 who do not dispense controlled substances to an unregistered individual or entity;

''(ii) nonpharmacy practitioners who are registered under section 303(f) and whose activities are authorized by that registration;

''(iii) mere advertisements that do not attempt to facilitate an actual transaction involving a controlled substance; or

''(iv) a person, entity, or Internet site which is not in the United States and does not facilitate the delivery, distribution, or dispensing of a controlled substance by means of the Internet to any person in the United States.

''(53) The term 'homepage' means the opening or main page or screen of the website of an online pharmacy that is viewable on the Internet.

''(54) The term 'practice of telemedicine' means the practice of medicine in accordance with applicable Federal and State laws by a practitioner (other than a pharmacist) who is at a location remote from the patient and is communicating with the patient, or health care professional who is treating the patient, using a telecommunications system referred to in section 1834(m) of the Social Security Act (42 U.S.C. 1395m(m)).''.

(b) REGISTRATION REQUIREMENTS.—Section 303 of the Controlled Substances Act (21 U.S.C. 823) is amended by adding at the end the following new subsection:

''(i) DISPENSER OF CONTROLLED SUBSTANCES BY MEANS OF THE INTERNET.—(1) An online pharmacy shall obtain a registration specifically authorizing such activity, in accordance with regulations promulgated by the Attorney General. In determining whether to grant an application for such registration, the Attorney General shall apply the factors set forth in subsection (f).

''(2) Registration under this subsection shall be in addition to, and not in lieu of, registration under subsection (f).

''(3) This subsection does not apply to pharmacies that merely advertise by means of the Internet but do not attempt to facilitate an actual transaction involving a controlled substance by means of the Internet.''.

(c) REPORTING REQUIREMENTS.—Section 307(d) of the Controlled Substances Act (21 U.S.C. 827(d)) is amended by—

(1) designating the text as paragraph (1); and

(2) inserting after paragraph (1), as so designated by this Act, the following new paragraph:

''(2) A pharmacy registered under section 303(i) shall report to the Attorney General the

controlled substances dispensed under such registration, in such manner and accompanied by such information as the Attorney General by regulation shall require.''.

(d) ONLINE PRESCRIPTION REQUIREMENTS.—The Controlled Substances Act is amended by inserting after section 310 (21 U.S.C. 830) the following:

''ONLINE PHARMACY LICENSING AND DISCLOSURE REQUIREMENTS

''SEC. 311. (a) IN GENERAL.—An online pharmacy shall display in a visible and clear manner on its homepage a statement that it complies with the requirements of this section with respect to the delivery or sale or offer for sale of controlled substances and shall at all times display on the homepage of its Internet site a declaration of compliance in accordance with this section.

''(b) LICENSURE.—Each online pharmacy shall comply with the requirements of State law concerning the licensure of pharmacies in each State from which it, and in each State to which it, delivers, distributes, or dispenses or offers to deliver, distribute, or dispense controlled substances by means of the Internet.

''(c) COMPLIANCE.—No online pharmacy or practitioner shall deliver, distribute, or dispense by means of the Internet a controlled substance without a valid prescription (as defined in section 309(e)) and each online pharmacy shall comply with all applicable requirements of Federal and State law.

''(d) INTERNET PHARMACY SITE DISCLOSURE INFORMATION.—Each online pharmacy site shall post in a visible and clear manner on the homepage of its Internet site or on a page directly linked from its homepage the following:

''(1) The name of the owner, street address of the online pharmacy's principal place of business, telephone number, and email address.

''(2) A list of the States in which the online pharmacy, and any pharmacy which dispenses, delivers, or distributes a controlled substance on behalf of the online pharmacy, is licensed to dispense controlled substances or prescription drugs and any applicable license number.

''(3) For each pharmacy identified on its license in each State in which it is licensed to engage in the practice of pharmacy and for each pharmacy which dispenses or ships controlled substances on behalf of the online pharmacy:

''(A) The name of the pharmacy.

''(B) The street address of the pharmacy.

''(C) The name, professional degree, and licensure of the pharmacist-in-charge.

''(D) The telephone number at which the pharmacist-in-charge can be contacted.

''(E) A certification that each pharmacy which dispenses or ships controlled substances on behalf of the online pharmacy is registered under this part to deliver, distribute, or dispense by means of the Internet controlled substances.

''(4) The name, address, professional degree, and licensure of practitioners who provide medical consultations through the website for the purpose of providing prescriptions.

''(5) A telephone number or numbers at which the practitioners described in paragraph (4) may be contacted.

''(6) The following statement, unless revised by the Attorney General by regulation: 'This online pharmacy will only dispense a controlled substance to a person who has a valid prescription issued for a legitimate medical purpose based upon a medical relationship with a prescribing practitioner, which includes at least one prior in-person medical evaluation. This online pharmacy complies with section 309(e) of the Controlled Substances Act (21 U.S.C. 829(e)).'.

''(e) NOTIFICATION.—(1) Thirty days prior to offering a controlled substance for sale, delivery, distribution, or dispensing, the online pharmacy shall notify the Attorney General, in the form and manner as the Attorney General shall determine, and the State boards of pharmacy in any States in which the online pharmacy offers to sell, deliver, distribute, or dispense controlled substances.

''(2) The notification required under paragraph (1) shall include—

''(A) the information required to be posted on the online pharmacy's Internet site under subsection (d) and shall notify the Attorney General and the applicable State boards of pharmacy, under penalty of perjury, that the information disclosed on its Internet site under to subsection (d) is true and accurate;

''(B) the online pharmacy's Internet site address and a certification that the online pharmacy shall notify the Attorney General of any change in the address at least 30 days in advance; and

''(C) the Drug Enforcement Administration registration numbers of any pharmacies and practitioners referred to in subsection (d), as applicable.

''(3) An online pharmacy that is already operational as of the effective date of this section, shall notify the Attorney General and applicable State boards of pharmacy in accordance with this subsection not later than 30 days after the effective date of this section.

''(f) DECLARATION OF COMPLIANCE.—On and after the date on which it makes the notification under subsection (e), each online pharmacy shall display on the homepage of its Internet site, in such form as the Attorney General shall by regulation require, a declaration that it has made such notification to the Attorney General.

''(g) REPORTS.—Any statement, declaration, notification, or disclosure required under this section shall be considered a report required to be kept under this part.''.

(e) OFFENSES INVOLVING CONTROLLED SUBSTANCES IN SCHEDULES III, IV, AND V.—Section 401(b) of the Controlled Substances Act (21 U.S.C. 841(b)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (C), by striking ''1 gram of'' before ''flunitrazepam'';

(B) in subparagraph (D), by striking ''or in the case of any controlled substance in schedule III (other than gamma hydroxybutyric acid), or 30 milligrams of flunitrazepam''; and

(C) by adding at the end the following:

''(E)(i) In the case of any controlled substance in schedule III, such person shall be sentenced to a term of imprisonment of not more than 10 years and if death or serious bodily injury results from the use of such substance shall be sentenced to a term of imprisonment of not more than 20 years, a fine not to exceed the greater of that authorized in accordance with the provisions of title 18, or $500,000 if the defendant is an individual or $2,500,000 if the defendant is other than an individual, or both.

''(ii) If any person commits such a violation after a prior conviction for a felony drug offense has become final, such person shall be sentenced to a term of imprisonment of not more than 20 years and if death or serious bodily injury results from the use of such substance shall be sentenced to a term of imprisonment of not more than 30 years, a fine not to exceed the greater of twice that authorized in accordance with the provisions of title 18, or $1,000,000 if the defendant is an individual or $5,000,000 if the defendant is other than an individual, or both.

''(iii) Any sentence imposing a term of imprisonment under this subparagraph shall, in the absence of such a prior conviction, impose a term of supervised release of at least 2 years in addition to such term of imprisonment and shall, if there was such a prior conviction, impose a term of supervised release of at least 4 years in addition to such term of imprisonment'';

(2) in paragraph (2) by—

(A) striking ''3 years'' and inserting ''5 years'';

(B) striking ''6 years'' and inserting ''10 years''; and

(C) striking ''after one or more prior convictions'' and all that follows through ''have become final,'' and inserting ''after a prior conviction for a felony drug offense has become final,''; and

(3) in paragraph (3) by—

(A) striking ''2 years'' and inserting ''6 years'';

(B) striking ''after one or more convictions'' and all that follows through ''have become final,'' and inserting ''after a prior conviction for a felony drug offense has become final,''; and

(C) adding at the end the following ''Any sentence imposing a term of imprisonment under this paragraph may, if there was a prior conviction, impose a term of supervised release of not more than 1 year, in addition to such term of imprisonment.''

(f) OFFENSES INVOLVING DISPENSING OF CONTROLLED SUBSTANCES BY MEANS OF THE INTERNET.—Section 401 of the Controlled Substances Act (21 U.S.C. 841) is amended by adding at the end the following:

''(h) OFFENSES INVOLVING DISPENSING OF CONTROLLED SUBSTANCES BY MEANS OF THE INTERNET.—(1) Except as authorized by this title, it shall be unlawful for any person to knowingly or intentionally cause or facilitate the delivery, distribution, or dispensing by means of the Internet of a controlled substance.

''(2) Examples of activities that violate paragraph (1) include, but are not limited to, knowingly or intentionally—

''(A) delivering, distributing, or dispensing a controlled substance by means of the Internet by a pharmacy not registered under section 303(i);

''(B) writing a prescription for a controlled substance for the purpose of delivery, distribution, or dispensation by means of the Internet in violation of subsection 309(e);

''(C) serving as an agent, intermediary, or other entity that causes the Internet to be used to bring together a buyer and seller to engage in the dispensing of a controlled substance in a manner not authorized by sections 303(i) or 309(e); and

''(D) making a material false, fictitious, or fraudulent statement or representation in the submission to the Attorney General under section 311.

''(3)(A) This subsection does not apply to—

''(i) the delivery, distribution, or dispensation of controlled substances by nonpractitioners to the extent authorized by their registration under this title;

''(ii) the placement on the Internet of material that merely advocates the use of a controlled substance or includes pricing information without attempting to propose or facilitate an actual transaction involving a controlled substance; or

''(iii) except as provided in subparagraph (B), any activity that is limited to—

''(I) the provision of a telecommunications service, or of an Internet access service or Internet information location tool (as those terms are defined in section 231 of the Communications Act of 1934 (47 U.S.C. 231)); or

''(II) the transmission, storage, retrieval, hosting, formatting, or translation (or any combination thereof) of a communication, without selection or alteration of the content of the communication, except that deletion of a particular communication or material made by another person in a manner consistent with section 230(c) of the Communications Act of 1934 (47 U.S.C. 230(c)) shall not constitute such selection or alteration of the content of the communication.

''(B) The exceptions under subclauses (I) and (II) of subparagraph (A)(iii) shall not apply to a person acting in concert with a person who violates subsection (g)(1).

''(4) Any person who knowingly or intentionally violates this subsection shall be sentenced in accordance with subsection (b) of this section.''.

(g) PUBLICATION.—Section 403(c) of the Controlled Substances Act (21 U.S.C. 843(c)) is amended by—

(1) designating the text as paragraph (1); and

(2) adding at the end the following:

''(2)(A) Except as authorized by this title, it shall be unlawful for any person by means of the Internet, to knowingly advertise the sale or distribution of, or to offer to sell, distribute, or dispense, a controlled substance.

''(B) Examples of activities that violate subparagraph (A) include, but are not limited to, knowingly or intentionally causing the placement on the Internet of an advertisement that refers to or directs prospective buyers to Internet sellers of controlled substances who are not registered under section 303(i).

''(C) Subparagraph (A) does not apply to material that either—

''(i) merely advertises the distribution of controlled substances by nonpractitioners to the extent authorized by their registration under this title; or

''(ii) merely advocates the use of a controlled substance or includes pricing information without attempting to facilitate an actual transaction involving a controlled substance.''.

(h) INJUNCTIVE RELIEF.—Section 512 of the Controlled Substances Act (21 U.S.C. 882) is amended by adding to the end of the section the following new subsection:

''(c) STATE CAUSE OF ACTION PERTAINING TO ONLINE PHARMACIES.—(1) In any case in which the State has reason to believe that an interest of the residents of that State has been or is being threatened or adversely affected by the action of a person, entity, or Internet site that violates the provisions of section 303(i), 309(e), or 311, the State may bring a civil action on behalf of such residents in a district court of the United States with appropriate jurisdiction—

''(A) to enjoin the conduct which violates this section;

''(B) to enforce compliance with this section;

''(C) to obtain damages, restitution, or other compensation, including civil penalties under section 402(b); and

''(D) to obtain such other legal or equitable relief as the court may find appropriate.

''(2)(A) Prior to filing a complaint under paragraph (1), the State shall serve a copy of the complaint upon the Attorney General and upon the United States Attorney for the judicial district in which the complaint is to be filed. In any case where such prior service is not feasible, the State shall serve the complaint on the Attorney General and the appropriate United States Attorney on the same day that the State's complaint is filed in Federal district court of the United States. Such proceedings shall be independent of, and not in lieu of, criminal prosecutions or any other proceedings under this title or any other laws of the United States.

''(B)(i) Not later than 120 days after the later of the date on which a State's complaint is served on the Attorney General and the appropriate United States Attorney, or the date on which the complaint is filed, the United States shall have the right to intervene as a party in any action filed by a State under paragraph (1).

''(ii) After the 120-day period described in clause (i) has elapsed, the United States may, for good cause shown, intervene as a party in an action filed by a State under paragraph (1).

''(iii) Notice and an opportunity to be heard with respect to intervention shall be afforded the State that filed the original complaint in any action in which the United States files a complaint in intervention under clause (i) or a motion to intervene under clause (ii).

''(iv) The United States may file a petition for appeal of a judicial determination in any action filed by a State under this section.

''(C) Service of a State's complaint on the United States as required in this paragraph shall be made in accord with the requirements of Federal Rule of Civil Procedure 4(i)(1).

''(3) For purposes of bringing any civil action under paragraph (1), nothing in this Act shall prevent an attorney general of a State from exercising the powers conferred on the attorney general of a State by the laws of such State to conduct investigations or to administer oaths or affirmations or to compel the attendance of witnesses of or the production of documentary or other evidence.

''(4) Any civil action brought under paragraph (1) in a district court of the United States may be brought in the district in which the defendant is found, is an inhabitant, or transacts business or wherever venue is proper under section 1391 of title 28, United States Code. Process in such action may be served in any district in which the defendant is an inhabitant or in which the defendant may be found.

''(5) No private right of action is created under this subsection.''.

(i) FORFEITURE OF FACILITATING PROPERTY IN DRUG CASES.—Section 511(a)(4) of the Controlled Substances Act (21 U.S.C. 881(a)(4)) is amended to read as follows:

''(4) Any property, real or personal, tangible or intangible, used or intended to be used to commit, or to facilitate the commission, of a violation of this title or title III, and any property traceable thereto.''.

(j) IMPORT AND EXPORT ACT.—Section 1010(b) of the Controlled Substances Import and Export Act (21 U.S.C. 960(b)) is amended—

(1) in paragraph (4) by—

(A) striking ''or any quantity of a controlled substance in schedule III, IV, or V, (except a violation involving flunitrazepam and except a violation involving gamma hydroxybutyric acid)'';

(B) inserting '', or'' before ''less than one kilogram of hashish oil''; and

(C) striking ''imprisoned'' and all that follows through the end of the paragraph and inserting ''sentenced in accordance with section 401(b)(1)(D) of this title (21 U.S.C. 841(b)(1)(E)).'';

(2) by adding at the end the following:

''(5) In the case of a violation of subsection (a) of this section involving a controlled substance in schedule III, such person shall be sentenced in accordance with section 401(b)(1)(E).

''(6) In the case of a violation of subsection (a) of this section involving a controlled substance in schedule IV (except a violation involving flunitrazepam), such person shall be sentenced in accordance with section 401(b)(2).

''(7) In the case of a violation of subsection (a) of this section involving a controlled substance in schedule V, such person shall be sentenced in accordance with section 401(b)(3).''; and

(3) in paragraph (3), by striking '', nor shall a person so sentenced be eligible for parole during the term of such a sentence'' in the final sentence.

(k) EFFECTIVE DATE.—The amendments made by this Act shall become effective 60 days after the date of enactment of this Act.

(l) GUIDELINES AND REGULATIONS.—

(1) IN GENERAL.—The Attorney General may promulgate and enforce any rules, regulations, and procedures which may be necessary and appropriate for the efficient execution of functions under this subtitle, including any interim rules necessary for the immediate implementation of this Act, on its effective date.

(2) SENTENCING GUIDELINES.—The United States Sentencing Commission, in determining whether to amend, or establish new, guidelines or policy statements, to conform the Federal sentencing guidelines and policy statements to this Act and the amendments made by this Act—

(A) shall consult with the Department of Justice, experts and other affected parties concerning which penalties for scheduled substances amended by this Act should be reflected in the Federal sentencing guidelines; and

(B) should not construe any change in the maximum penalty for a violation involving a controlled substance in a particular schedule as being the sole reason to amend a, or establish a new, guideline or policy statement.

(m) ANNUAL REPORT.—Not later than 180 days after the date of enactment of this Act, and annually for 2 years after the initial report, the Drug Enforcement Administration, in consultation with the Department of State, shall submit to Congress a report describing—

(1) the foreign supply chains and sources of controlled substances offered for sale without a valid prescription on the Internet;

(2) the efforts and strategy of the Drug Enforcement Administration to decrease the foreign supply chain and sources of controlled substances offered for sale without a valid prescription on the Internet; and

(3) the efforts of the Drug Enforcement Administration to work with domestic and multinational pharmaceutical companies and others to build international cooperation and a commitment to fight on a global scale the problem of distribution of controlled substances over the Internet without a valid prescription.

Mr. LEAHY. Mr. President, today the Senate will pass by unanimous consent S. 980, the Ryan Haight Online Pharmacy Consumer Protection Act. This is an important bill that would create potent new tools for law enforcement to prosecute those who illegally sell drugs online, and allow State authorities to shut down online pharmacies even before they get started.

I thank Senator FEINSTEIN and Senator SESSIONS for their commitment to combating illicit drug trafficking by online predators. Their hard work and diligent efforts, have put together a strong bipartisan bill that includes important modifications and clarifications that will protect our children and grandchildren from purchasing illegal dangerous drugs online and reducing the prevalence of rogue online pharmacies in our society.

As the longtime cochair of the Congressional Internet Caucus, I understand full well the growing danger that illegitimate online pharmacies pose to youth. I am pleased to join the bill's sponsors in support of this legislation. I am also very pleased that several of my recommendations to improve the bill are included in this legislation.

This bill could not come at a more urgent time for our Nation. In the digital age, the Internet has enabled all Americans better access to convenient and more affordable medicine. Unfortunately, the prevalence of rogue online pharmacies has also made the Internet an increasing source for the sale of dangerous controlled substances without a licensed medical practitioner's valid prescription. Online drug traffickers have used evolving tactics to evade detection by law enforcement and circumvent the proper constraints of doctors and pharmacists.

The check and security provided by our local pharmacists in local pharmacies—those who have served Americans for generations and helped us get well and keep us well—is not always replicated online. As a result, dangerous and addictive prescription drugs are too often only a click away.

Last May, the Judiciary Committee held a hearing on this issue. We heard compelling testimony from Francine Haight, a mother whose teenage son died from an overdose of painkillers he purchased online from a rogue pharmacy. We also heard from Joseph

Califano, the former Secretary of the Department of Health, Education and Welfare. Both strongly supported legislation to fill a gap in existing law and help protect young people from illicit drugs online.

Following our hearing, the Internet Drug Advisory Committee held a briefing for the Judiciary Committee on this matter. We heard from various members of the Internet community on how the private sector may effectively collaborate with the public sector to combat the sales of dangerous drugs online. These private sector groups will be vital in that effort, and we were happy to receive the benefit of their insights.

The administration supports this bill, and that is the right thing to do. I know that our hard working men and women at the Drug Enforcement Agency need the added tools this bill would offer to assist their efforts to combat rogue online pharmacies. Even more, our children and grandchildren need the safety and security of operating online free from drug dealers seeking to trick them into purchasing dangerous controlled substances.

The Judiciary Committee reported an amendment in the form of a substitute which includes several recommendations I have made to improve the bill and make it more effective. These changes were later perfected and improved upon after the bill was reported out of Committee.

I am pleased that the amendment includes my suggestion that the Drug Enforcement Administration report to Congress on recommendations to combat the online sale of controlled substances from foreign countries via the Internet and on ways that the private sector can assist in this effort. A key ingredient in diminishing the impact of rogue Web sites on American citizens is combating the international aspect of this problem, and strengthening the public-private sector collaboration can help provide a solution.

The amendment narrows the U.S. Sentencing Commission directive to ensure that the most dangerous prescription drugs abused online are treated more severely than less harmful prescription drugs. This addition will ensure that the commission has clear guidance to issue the guidelines necessary to hold those individuals who peddle dangerous prescription drugs to minors online accountable.

The amendment also protects legitimate retail drug chains with online websites for customers seeking refills on prescriptions, by exempting them from the bill's requirements. This ensures that the bill does not target legitimate pharmacies that provide Vermonters and other Americans with access to needed medicines nor does it burden legitimate pharmacies with additional registration and reporting requirements.

I believe this measure will be better with these changes. I am confident that this legislation will strengthen our Nation's ability to effectively combat online drug trafficking. It furthers the goals of drug enforcement and deterrence, while also providing Congress with additional oversight tools. I support its passage.

Mrs. FEINSTEIN. I thank my colleagues for passing S. 980, the Ryan Haight Online Pharmacy Consumer Protection Act.

With Senator SESSIONS, I introduced this bill to protect the safety of consumers who wish to fill legitimate prescriptions for controlled substances over the Internet, while holding accountable those who operate unregistered pharmacies.

Tonight, the Senate took the first important step in stemming the tide of online drug trafficking. Perhaps more importantly, the Senate took the first steps in ensuring that children and teens no longer overdose, or worse die, after purchasing controlled substances without a prescription from rogue Internet pharmacies.

I would like to clarify that the Ryan Haight Online Pharmacy Consumer Protection Act of 2008 regulates practices related to the delivery, distribution, or dispensing of a controlled substance by means of the Internet. The act does not address the delivery, distribution, or dispensing of any noncontrolled substance by the Internet or any other means.

This bill does not infringe upon the powers of the Department of Health and Human Services and its Secretary with respect to noncontrolled substances. Nor does it infringe upon the traditional power of the States to regulate the practices of medicine and pharmacy with respect to the prescription of non controlled substances. Delivery, distribution, or dispensing of noncontrolled substances, approved by the Secretary of Health and Human Services or the regulatory bodies of the States, are not affected by the act.

This bill would do the following:

Bar the sale or distribution of all controlled substances over the Internet without a valid prescription; Require online pharmacies to display on their Web site a statement of compliance with U.S. law and DEA regulations—allowing consumers to know which pharmacies are safe and which are not; clarify that rogue pharmacies that sell drugs over the Internet will face the same penalties as people who illegally sell the same drugs on the street; increase the Federal penalties for illegally distributing controlled substances; create a new Federal cause of action that would allow a State attorney general to shut down a rogue Web site selling controlled substances.

This legislation is a critical first step in stemming the tide of online drug trafficking and prescription drug abuse.

In closing, I want to share the story of this bill's namesake, Ryan T. Haight. Ryan was an 18-year-old honor student from La Mesa, California, when he died in his home on February 12, 2001. His parents found a bottle of Vicodin in his room with a label from an out-of-State pharmacy.

It turns out that Ryan had been ordering addictive drugs online and paying with a debit card his parents gave him to buy baseball cards on eBay.

Without a physical exam or his parents' consent, Ryan had been obtaining controlled substances, some from an Internet site in Oklahoma. It only took a few months before Ryan's life was ended by an overdose on a cocktail of painkillers.

Ryan's story is just one of many. Rogue Internet pharmacies are making it increasingly easy for teens like Ryan to access deadly prescription drugs. This bill is the first step to stem that terrible tide. It creates sensible requirements for Internet pharmacy Web sites that will not impact access to convenient, oftentimes cost-saving drugs.

I thank my colleagues for rising up and passing this important bill.

Mr. NELSON of Florida. Mr. President, I ask unanimous consent a Feinstein substitute amendment at the desk be agreed to, the committee substitute amendment as amended be agreed to, the bill, as amended, be read three times and passed, the motions to reconsider be laid on the table, with no intervening action or debate, and any statements be printed in the RECORD.

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

The amendment (No. 4383) was agreed to.

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

The committee amendment in the nature of a substitute, as amended, was agreed to.

The bill (S. 980), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider Calendar Nos. 471 and 473; that the nominations be confirmed en bloc, the motions to reconsider be laid upon the table en bloc, the President be immediately notified of the Senate's action, and the Senate then resume legislative session.

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

The nominations considered and confirmed en bloc are as follows:

DEPARTMENT OF STATE

Deborah K. Jones, of New Mexico, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the State of Kuwait.

DEPARTMENT OF JUSTICE

Kevin J. O'Connor, of Connecticut, to be Associate Attorney General.

Mr. LEAHY. Mr. President, we have finally completed our consideration of the nomination of Kevin O'Connor to be Associate Attorney General, the number three position at the Department of Justice. This nomination was cleared by the Democrats and set to be confirmed before our Easter Recess but was blocked by a last-minute, anonymous Republican hold. Also blocked at that time and still held is the nomination of Gregory Katsas to be the Assistant Attorney General in charge of the Civil Division.

I was particularly disappointed with that unexpected development in March. We had worked hard to expedite these nominations, holding a hearing on the first day of this session of Congress. After a nearly month-long delay, when Republican Members of the Judiciary Committee effectively boycotted our business meetings in February, we were able to report these nominations to the Senate in early March. They were set for confirmation before the Easter recess, until the last-minute Republican objection stalled them. They joined the President's nomination of Michael Sullivan to be the Director of the Bureau of Alcohol, Tobacco, Firearms and Explosives as among those stymied by Republican objections.

I thank Senator WHITEHOUSE for chairing the hearing on the O'Connor nomination. We continued our work in connection with high-ranking Department of Justice nominees the week before recess when Senator KENNEDY chaired our hearing on the nomination of Grace Chung Becker to be Assistant Attorney General in charge of the Civil Rights Division. The Civil Rights Division is entrusted with protecting precious rights of Americans, including our fundamental right to vote. That hearing was the seventh the Committee has held since last September on executive nominations, as we continue to work to restock and restore the leadership of the Department of Justice in the wake of the scandals of the Gonzales era.

A little more than a year ago, the Judiciary Committee began its oversight efforts for the 110th Congress. Over the next 9 months, our efforts revealed a Department of Justice gone awry. The leadership crisis came more and more into view as Senator SPECTER and I led a bipartisan group of concerned Senators to consider the United States Attorney firing scandal, a confrontation over the legality of the administration's warrantless wiretapping program, the untoward political influence of the White House at the Department of Justice, and the secret legal memos excusing all manner of excess.

This crisis of leadership has taken a heavy toll on the tradition of independence that has long guided the Justice Department and provided it with safe harbor from political interference. It shook the confidence of the American people. Through bipartisan efforts among those from both sides of the aisle who care about Federal law enforcement and the Department of Justice, we joined together to press for accountability. That resulted in a change in leadership at the Department, with the resignations of the Attorney General and many high-ranking Department officials.

The partisan accusations of ''slow walking'' nominations that the President engaged in at the White House recently, and repeated even today by Republican Senators, are belied by the facts. They are about as accurate as when President Bush ascribed Attorney General Gonzales' resignation to supposed ''unfair treatment'' and having ''his good name . . . dragged through the mud for political reasons.'' The U.S. Attorney firing scandal was of the administration's own making. It decimated morale at the Department of Justice. A good way to help restore the Justice Department would be for this administration to acknowledge its wrongdoing.

What those who say we are ''slow-walking'' nominations do not say is that as a result of the mass resignations at the Justice Department in the wake of the scandals of the Gonzales era, the Committee has held seven hearings on high-ranking nominations to restore the leadership of the Department of Justice between September of last year and this month, including confirmation hearings for the new Attorney General, the new Deputy Attorney General, the new Associate Attorney General, and so many others. Of course those months also include the December and January holiday period and break between sessions.

What is being ignored by the President and Senate Republicans as they play to a vocal segment of their Republican base is that we have worked hard to make progress and restore the leadership of the Department of Justice. In the last 6 months, we have confirmed a new Attorney General, a new Deputy Attorney General, held hearings for several other high-ranking Justice Department positions, and voted those nominations out of the Judiciary Committee. Today we continue that progress with the confirmation of the Associate Attorney General.

It is vital that we ensure that we have a functioning, independent Justice Department. In January, the Judiciary Committee held our first oversight hearing of the new session and the first with new Attorney General Michael Mukasey. We held another oversight hearing last month with FBI Director Mueller and tomorrow we are holding an oversight hearing with Homeland Security Secretary Chertoff to explore that Department's handling of issues within the Judiciary Committee's jurisdiction related to the Western Hemisphere Travel Initiative, the so-called REAL ID Act, naturalization backlogs, the resettlement of Iraqi refugees and asylum seekers and the shameful, continuing aftermath from Katrina. These are more steps forward in our efforts to restore checks and balances to our Government and begin to repair the damage this administration inflicted on our Constitution and fundamental American values.

We continue to press for accountability even as we learn startling new revelations about the extent to which some will go to avoid accountability, undermine oversight, and stonewall the American people's right to the truth. We find shifting answers on issues including the admission that the CIA used waterboarding on detainees in reliance on the advice of the Department of Justice; the destruction of White House e-mails required by law to be preserved; and the CIA's destruction of videotapes of detainee interrogations not shared with the 9/11 Commission, Congress or the courts. The only constant is the demand for immunity and unaccountability among those in the administration. This White House continues to stonewall the legitimate needs for information articulated by the Judiciary Committee and others in the Congress, and contemptuously refuse to appear when summoned by congressional subpoena.

In spite of the administration's lack of cooperation, the Senate is moving forward with the confirmation of executive nominations. With the confirmation today, we will have confirmed 27 executive nominations, including the confirmations of nine U.S. Attorneys, five U.S. Marshals, and the top three positions at the Justice Department so far this Congress.

Of course, we could have made even more progress had the White House sent us timely nominations to fill the remaining executive branch vacancies with nominees who will restore the independence of federal law enforcement. There are now 19 districts across the country with acting or interim U.S. Attorneys instead of Senate-confirmed, presidentially-appointed U.S. Attorneys. For more than a year I have been talking publicly about the need to name U.S. Attorneys to fill these vacancies to no avail.

We have seen what happens when the rule of law plays second fiddle to a President's agenda and the partisan desires of political operatives. It is a disaster for the American people. Both the President and the Nation are best served by a Justice Department that provides sound advice and takes responsible action, without regard to political considerations—not one that develops legalistic loopholes to serve the ends of a particular administration.

I congratulate the nominee and his family on his confirmation today.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will return to legislative session.

ORDERS FOR WEDNESDAY, APRIL 2, 2008

Mr. NELSON of Florida. I ask unanimous consent that when the Senate

completes its business today, it stand adjourned until 9:30 a.m. tomorrow, Wednesday, April 2; that following the prayer and the pledge, the journal of Proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and that the Senate resume consideration of the motion to proceed to H.R. 3221, and that all time during any adjournment, recess or period of morning business count postcloture; further, that at 12:30 p.m., the majority leader be recognized.

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

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. NELSON of Florida. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order.

There being no objection, the Senate, at 6:19 p.m., adjourned until Wednesday, April 2, 2008, at 9:30 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate Tuesday, April 1, 2008:

DEPARTMENT OF STATE

DEBORAH K. JONES, OF NEW MEXICO, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE STATE OF KUWAIT.

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

DEPARTMENT OF JUSTICE

KEVIN J. O'CONNOR, OF CONNECTICUT, TO BE ASSOCIATE ATTORNEY GENERAL.