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House of Representatives

The House was not in session today. Its next meeting will be held on Monday, July 14, 2008, at 12.30 p.m.

Senate

FRIDAY, JULY 11, 2008

The Senate met at 3:30 p.m. and was called to order by the Honorable SHERROD BROWN, a Senator from the State of Ohio.

PRAYER

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

Let us pray.

God most high, Your faithfulness endures through all generations. You desire truth and justice, and You are true to Your promises. Hear our prayer.

Let Your presence be felt today on Capitol Hill. Open the hearts of our lawmakers to the guidance of Your spirit as you empower them to serve with faithfulness. Lord, dwell in them and those who support their labors, making them fruitful for the glory of Your Name. May they hear Your call to rise and follow where You lead as you inspire them to be obedient to Your perfect will. Give them patience with those who oppose them, and may they trust in Your perfect love which never fails.

We pray in Your glorious Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable SHERROD BROWN led the Pledge of Allegiance, as follows:

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication

to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, July 11, 2008.

To the Senate:

Under the provisions of rule 1, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable SHERROD BROWN, a Senator from the State of Ohio, to perform the duties of Chair.

ROBERT C. BYRD,
President pro tempore.

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

RESERVATION OF LEADER TIME

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

RECOGNITION OF THE MAJORITY LEADER

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

SCHEDULE

Mr. REID. Mr. President, following any remarks Senator MCCONNELL and I may make, we will resume the motion to disagree to the House amendments with respect to H.R. 3221, the housing reform legislation. At approximately 5:20 p.m., the 30-hour postcloture debate time will run out and the Senate will proceed to a rollcall vote on the motion to disagree. Immediately fol-

lowing that vote, the Senate will proceed to a cloture vote on the motion to proceed to S. 2731, the global HIV/AIDS legislation.

MEASURE PLACED ON THE CALENDAR—S. 3236

Mr. REID. Mr. President, S. 3236 is at the desk, and it is my understanding it is now due for a second reading.

The ACTING PRESIDENT pro tempore. The clerk will read the title of the bill for the second time.

The legislative clerk read as follows:

A bill (S. 3236) to amend titles XVIII and XIX of the Social Security Act to extend provisions under the Medicaid programs, and for other purposes.

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

Mr. REID. Mr. President, at this time, I object to any further proceedings with regard to this bill.

The ACTING PRESIDENT pro tempore. Objection is heard. The bill will be placed on the calendar.

REPUBLICAN DELAY TACTICS

Mr. REID. Mr. President, I think it is important to let all Senators know that we worked very hard, late into the night, with significant members of the Senate staff. We worked very hard. In fact, I got home a little bit after midnight this morning, as did others.

We are going to have a couple of votes this evening. The first vote we are going to take is our housing bill, a bill that would help families struggling

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



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to keep their homes and families struggling with the foreclosure crisis—and it is a crisis. The second piece of legislation we are going to vote on is called PEPFAR, an initiative introduced by President Bush in 2003 to confront the crisis in Africa, the continent-wide problem we have dealing with HIV/AIDS, where 8,000 people are dying from AIDS every day on that continent. That is a death toll that doesn't take vacations. They are dying today and they are dying tomorrow. It is a weekend, but that doesn't matter; holidays are not a day off. People continue to die. That is what this legislation is about, to try to stem the tide of this scourge which has swept that continent.

Both these bills, the housing bill and the AIDS bill, rightfully have the support of virtually all Democrats and a significant number of Republicans. Both these bills could have long since been passed and sent to the President's desk and we could have been on other important priorities, such as the energy crisis. I say that with regard to housing. I say that with regard to the legislation I talked about dealing with PEPFAR. They both could have been passed a long time ago.

We now have a situation—I am looking for a chart here. I don't know what happened to it. I would say there is a hunt going on in the cloakroom for our chart. We have a few stacked back there. Maybe one of the Republican staff stole it.

I don't know what happened to it, but let's pretend I have a chart here that says "82 Republican filibusters." Remember, this is our Velcro chart, and you can just peel off the numbers. Here is what we have. We have the Velcro pieces but no chart.

Let's just pretend we have a great big white chart here and the Velcro. See my Velcro? Just pop it on here. It doesn't work. It won't work—well, it is working. It looked a lot better when we had our chart before. Somebody swiped it.

We started in the 50s, and they keep adding up, and now it is 82. Every one of those filibusters has taken huge amounts of time from the Senate. After cloture is invoked, under the rules of the Senate you have 30 hours where basically you can do nothing except wait for the 30 hours to go by with a few speeches. Think about it, 82 times 30—sometimes the 30 hours wasn't used, but most of the time it was in an effort to obstruct and delay. That is what we have had in the housing bill, and that is what is happening now on this global AIDS piece of legislation.

It is a small number of people holding up these matters, but it is still the Republicans holding them up. Because of the obstructionism we had on these two matters last night, we worked, as I indicated, until midnight. We thought we had an agreement worked out which would have allowed us to proceed, but one Senator prevented us from doing

this. Because of that, our bipartisan negotiations late into the night were all for nothing.

Today, we must hold an unnecessary set of votes that could have been agreed to by unanimous consent. No Senator is complaining because we have to be here on Friday. We work when we have to work. But it is just a question of what we should be doing while we are here. We could have been doing other things, but we are here today. We are going to vote on a couple of votes that are unnecessary. We could have been doing other things. We could have spent the time constructively, as I indicated, on other matters.

It is interesting to note that the Senator who has held this up and other Republican Senators—they have been coming to the floor all week criticizing the Senate for not moving to address the energy crisis. But one reason we are not moving forward on a lot of other things, including the energy crisis facing this country, is because we have been held up on so many different bills.

Everyone should know that this is a record that has broken any other time in the history of our country. This is filibuster on steroids. This is the Flo-Jo of filibusters—the great runner. She broke all records. We are breaking all records. If the American people wonder why Congress has not passed yet another piece of legislation to help ease the energy crisis, the housing crisis, and the many other problems facing this country, they need look no further than this number 82, right here. If anyone wonders why the American people are frustrated with Congress, all they need to do is look at the number 82.

Despite these setbacks, this has been a productive week in the Senate. Since the filibusters—plural—have started on the housing legislation, there have been about 130,000 new foreclosures filed. Every legal workday, usually Monday through Friday when the courthouses are open, people are filing 8,500 new foreclosures on homes around the country. That is a lot of foreclosures. We should have worked on this housing bill long ago, and we tried to, but we were held up by the Republican filibusters. We have legislation we are going to vote on this afternoon at 5:20 that will help struggling homeowners and prevent conditions that led to the foreclosure crisis happening in the first place. So we have done that.

Here, Wednesday afternoon, a vote started at 4 o'clock, one of the most historic times in the history of this institution, one of the most historic times in the 230 years-plus of our country being in existence. What was that? We, America, have a lot of wonderful programs. The most successful social program in the history of the world is Social Security, a program that helps those in their golden years with an old-age pension check. Social Security helps the disabled, it helps widows, it helps orphans. It is a wonderful program—that President Bush wanted to

privatize. Think about that. Had we been unsuccessful in stopping his privatization, how do you think Social Security recipients would feel today with the stock market going down, down, down? It would have been a terrible decision for the American people.

The other program the President doesn't like is Medicare. Medicare is not a program as successful as Social Security. It is an imperfect program, but it is a good program. It is a program I have seen in my political life. My first elected political job was chairman of the board of trustees of Southern Nevada Memorial Hospital. When I took that job, 40 percent of the seniors who were admitted to that hospital had no way of paying their bill. When I left, Medicare had come into being, and 100 percent of the people who were old, coming to that hospital, had their health insurance taken care of through Medicare. It is an imperfect but good program. President Bush does not like the program. He has tried to privatize it.

What happened Wednesday afternoon at 4 o'clock? The program was saved. The program was saved by virtue of a courageous man named TED KENNEDY who got out of his sickbed, literally, to come here and cast the deciding vote. His was the 60th vote that allowed us to move forward and, I repeat, save Social Security.

Senator KENNEDY was a Senator when Medicare came into existence. He said that he would not let it fail, even though we all know it was very dangerous to him, from a health perspective, to fly from Boston down here and then have to fly back after the vote was cast.

But it was a productive week, because not only did he cast the vote that made passage of the bill, but as a result of that, courageous Republicans, realizing he had done what had not been done, stepped forward and said, you know, the President has done enough. We have backed him long enough. We are going to vote the right way.

So we had the original nine, plus nine more. We had 18 Republicans, far more than enough to override a Presidential veto. I hope the President does not veto this bill. I hope he does not. But I am grateful to Senator KENNEDY, as are all the American people. We have rules. It is against Senate rules for the people in Galleries to clap. No one could stop them. No one could stop Senators from clapping, cheering, and crying for the act Senator KENNEDY performed.

So we did that. We are going to, this afternoon, pass the housing bill and send it back to the House. We also completed FISA legislation. I did not agree with the result, but it was an accomplishment for this body to finally work its way through all the problems we had procedurally to get that complete.

Now, I would hope with the Medicare bill being saved by Senator KENNEDY,

President Bush does not veto that. Every day that goes by that he does not sign that bill, people in America are suffering. They are suffering because doctors are going to drop out of the system. As we know, patients will not be taken care of, veterans, whose funding and reimbursement is based upon Medicare, who are part of the TRICARE system, about 8 million servicemen and their families, are being denied those benefits.

So the President should not do this simply because he wants to privatize Medicare. He is not going to win; he is going to lose that battle. So why does he want to do that? We had 355 votes in the House, 69 in the Senate, enough to override the veto. So I call upon the President to not veto this bill; sign it so we can get this worked out, and we will end this situation once and for all.

We have talked about the global AIDS bill. We are moving ahead with this legislation. It continues the support for America's efforts to join the world community in fighting against this disaster we have on that continent, global HIV/AIDS, which is so pronounced in that continent.

President Bush has worked with Democrats and Republicans to help get this legislation passed, over the objections last night of one person, perhaps a small handful urging this one man on. Despite that, I am confident we are going to pass this legislation.

I should mention how glad my fellow Democrats and I were to have our nominee for President here to cast a vote on these important bills. Senator OBAMA understood the importance of the Medicare legislation, and he stepped down here and voted. But for him we would not have had the necessary votes to pass this. He was also here when the GI bill of rights came up, landmark legislation, repaying our valiant troops who fought in Iraq and Afghanistan and deserve the same rights to be educated as those World War II veterans.

Senator BARACK OBAMA was here to vote on that. On the FISA legislation, the Foreign Intelligence Surveillance Act legislation, BARACK OBAMA cast his vote on that legislation. JOHN MCCAIN did not.

The American people should also know that despite the delay tactics we have seen this week that have kept us from a debate on energy, Democrats and most all Senators, Democrats and Republicans, are committed to addressing the energy crisis with both long- and short-term solutions.

This is not a Democratic or Republican issue. We all acknowledge much needs to be done. Last night I held a meeting a few feet out of this Senate Chamber. I had a productive meeting—We had former Senator Jim Sasser, who was conducting the meeting—Senator Sasser of Tennessee, chairman of the Budget Committee, subcommittee chairman of Appropriations, subcommittee chair on Banking, one of America's great Senators. He was an

Ambassador to China when his Senate career came to an end.

He was there as a moderator. We had the director of Global Oil Group—the Yergin Group. He has written books on the situation with petroleum around the world. We had the chief executive officer of United Airlines. Keep in mind, this man has been president of Texaco, the vice chairman of Chevron, and now the chief executive officer of United. If anyone should have an understanding of what is going on with our energy markets, our business community, he should. He was tremendous in outlining this information for us.

We had the head of global commodities at JPMorgan, the portfolio manager of Masters Capital Management, the CEO of NYMEX, and a professor at the University of Maryland School of Law. His expertise is in this area. It was a very good meeting. It lasted a long time.

The group strongly agreed we must take steps to stem speculation in energy prices. Is speculation the only problem? Of course not. But is speculation a problem? Of course it is. This group agreed that speculators drive up prices for their own gain, while the American people are left feeling the pain.

It was agreed that now is the appropriate time for President Bush to draw oil out of the Strategic Petroleum Reserve, as his father did. It was also agreed we must increase domestic oil production in the 68 million acres of land that oil companies currently lease but are not using.

The group agreed that any oil drilled in America should be sold to the America marketplace, not to China, Japan, India, as is currently happening. By the way, when there was a vote on this, Senator MCCAIN voted that it was not necessary, that American oil produced be used by Americans. He, by his vote, indicated it could be used in other countries. We disagree. The group disagreed last night.

So we need to take steps curtailing energy speculation, we need to tap the Strategic Petroleum Reserve, we need to increase the supply in the 68 million leased but unused acres in America, and earmarking domestic oil for American consumers.

We also agreed last night that combined with increased and sustained investment in clean alternative fuel sources, the wind, the Sun and geothermal, we will create hundreds of thousands of new jobs, will strengthen the economy and improve our environment.

If we do all of these, will we solve all the energy problems? Of course not. But we will have a significantly strong step in that direction. That is our roadmap for going forward. We hope both the Republican leader and his caucus will work with us to reject obstruction and embrace the progress that the American people deserve.

I yield the floor.

AMERICAN HOUSING RESCUE AND FORECLOSURE PREVENTION ACT OF 2008

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of the motion to disagree to the two amendments of the House which the clerk will report.

The legislative clerk read as follows:

A message from the House of Representatives to accompany H.R. 3221, an act to provide needed housing reform, and for other purposes.

The ACTING PRESIDENT pro tempore. The senior Senator from Wyoming is recognized.

Mr. LEVIN. Would the Senator from Wyoming yield for a unanimous consent request?

Mr. ENZI. I would.

Mr. LEVIN. Mr. President, I ask unanimous consent that after the Senator from Wyoming concludes his remarks that I be recognized.

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

AIDS RELIEF

Mr. ENZI. Mr. President, I have been waiting to speak and listening to the Senate leader. I have to say, I am a little disappointed. In the 20 minutes' worth of remarks, I did not hear anything that would bring the two sides together. Instead, I saw wedges being driven in there. This is not the time when we need wedges. That is the reason the public opinion of Congress is at an alltime low. There are things we need to get together on. That is one of the things I am going to talk about now.

I rise to express my support for the Tom Lantos and Henry J. Hyde United States Global Leadership Against HIV/AIDS, Tuberculosis, and Malaria Reauthorization Act of 2008.

That is a mouthful, so we are referring to it as PEPFAR, which stands for the President's Emergency Plan for AIDS Relief, which is something we passed several years ago that has made a significant difference in the world. Simply put, this legislation is proof of the fact that the United States continues to put its money where its mouth is on all these terrible diseases; that is, leading the best way by example. By so doing, we are encouraging other countries to do their part and help to ease the devastating toll of these diseases on the less fortunate.

In 2003, the Congress passed and the President signed into law the first global AIDS bill. I remember when the President addressed us in the State of the Union speech that year and announced he wanted \$15 billion to go into solving the AIDS problem worldwide. I think it was actually a shock on both sides of the aisle. But we went to work and we worked together and we got a plan that has been in effect.

We made an aggressive commitment to work with other governments to help them take action and to try to

control the spread of HIV/AIDS in their country.

When we began our work on this bill and started to discuss the need for a program that would address the spread of HIV/AIDS overseas, many had doubts that we could reach the goals we had set. There were some who thought we were reaching too far too fast and that we could never come close to making the kind of impact to which we had committed ourselves.

Fortunately, we have succeeded beyond what many thought was possible. Since the program has been implemented, our community outreach activities that were designed to begin the process of prevention by education have reached nearly 61.5 million people. Although there is still much more to be done, we are finding that we have turned the corner from the fear and frustration that was so prevalent in the past to a brighter avenue of hope and the promise of an even better tomorrow.

When I visited Africa in March, I was able to see the progress that has been made over the years. While we have not reached all the goals we set back then, we are coming closer to them day by day. My recent visit to Africa reminded me of what I saw when I first visited that continent about 5 years ago. During the first visit, I learned a great deal about diseases such as AIDS and how the culture of the nations we visited had a great impact on how the diseases spread.

HIV is a great problem because it can lie dormant for many years while it is being transmitted. It was clear back then that solving the problem would take more money. It would take in-country leadership and the political will to solve the problem before it became totally unmanageable. That is where we were headed. I am pleased to say I got to meet with several of the First Ladies of the African countries who have banded together, 51 of them banded together to work together as a network to solve this problem. They are doing a phenomenal job in Africa, and they are working with our First Lady; I am pretty sure that they talk to our First Lady and our First Lady talks to the President. The President, this year, said: We need to double our effort.

We have the framework in place. We can do it. We need to do it. That is what this bill is about, doubling our effort. The solution began with making simple changes to the resources available to each community, things we take for granted, such as a safe and secure water supply, as well as nutrition programs, about basic buildings, and the people who have the training that communities need to maintain these facilities.

That all happens over here. It does not happen over there. Back then we had the treatments to keep AIDS patients functioning for years. What we needed to do was provide these treatments and be sure they were being properly used.

Our hope during that time was that we could keep mothers alive long enough to raise their children. Our greatest hope was that we could keep everyone alive long enough for a cure to be found.

As we toured those countries, we witnessed a treatment that was designed to prevent a mother's AIDS infection from being passed on to her newborn baby during birth, because of birth. There is a pill the mother could take and a liquid that can be administered to the baby immediately after birth that had a 95-percent success rate.

The treatment only costs \$2.50 per birth. The problem was that most deliveries don't take place in hospitals. Only the difficult ones take place in the hospital. So how do you distribute the medication to these expectant mothers so it would be available during birth, which is the critical time for preventing transmission? Of course, anybody who was carrying that pill would be labeled HIV-positive, and that was creating another set of problems because of the stigma attached to the disease. In addition, other relatives would try to steal the pill because they thought it was a wonder drug that would prevent them from catching AIDS.

As we traveled through Africa, one aspect of the disease I will never forget had to do with the economies of these nations. In each one, the fastest growing business was funeral parlors and coffin makers. In Namibia, since they did not have enough wood to go around, people were saving newspapers so they could make coffins out of papier mache. That was 5 years ago.

Since my visit to Africa and passage of the PEPFAR bill, we have accomplished things that many thought impossible. In 2003, only 50,000 people living with HIV/AIDS in Africa were receiving treatment from U.S.-funded sources. Today, we are treating over 2 million. That is a significant accomplishment and a great leap forward from where we were back then. Although each success is important, they remind us of the work that still needs to be done. There are now 33.2 million people living with HIV/AIDS compared to 29 million in 2001, but the growth has slowed dramatically. The statistics are alarming, but they also show we are making an impact. As the old adage says so well: We have only begun to fight. And fight we must, for AIDS is a battle we cannot afford to lose—not today, not tomorrow, not ever. Looking back, the PEPFAR bill gave us an important foundation from which to work so we could take what was designed as an emergency aid plan and make it a sustainable, long-range effort that would continue to be effective until these diseases are relegated to the medical history books.

In the original bill, we set challenging goals for treatment, for care, and for prevention. We made treatment the No. 1 priority for the funding we were able to provide. We also estab-

lished a comprehensive approach to prevention. Today, we are discussing the reauthorization of this program and a renewal of our commitment to continue to make a difference throughout the world. As I said, I went to Africa in March, and I have seen the progress we have been able to make on this vitally important issue. We have made a start. This bill continues the work we have begun.

We have a good bill before us, because Senators BIDEN and LUGAR spent long days and nights working on it to ensure it reflects what Members on both sides of the aisle see as the important issues that must be addressed. This bill has been through the whole process. This bill expands on the structure of the current law's policies to ensure that the money follows the patients and does not get lost in the administrative structure of the programs these funds support. It continues to focus on treatment by requiring that more than half of the funds be used for that purpose. It also provides for a complete accounting of all funds provided to the global fund.

In addition, it calls for a balanced approach to prevention so that abstinence and "be faithful" programs receive funds equal to that of other prevention programs. Other efforts it will fund will help to increase the capacity of the health care systems in the affected countries, ensure that all drugs purchased for the program are safe and effective, and begin the process of developing a framework for the long-range stability of these programs. Finally, it will encourage the countries receiving this assistance to develop their own independent and sustainable programs to address the health care needs of their people.

When passed, the new edition of PEPFAR will establish even more challenging goals for the treatment, care, and prevention of these diseases by tying the increase in funding to a corresponding realization of the goals we have established in the bill. In addition, as the cost of treatment goes down, the treatment goals increase proportionately. This will ensure we will be treating the greatest number of people in the most cost-effective manner possible. Senators COBURN, BURR, and I worked with Senators BIDEN and LUGAR, and many other Members, to ensure this bill would reflect the principles and goals that have been shared by us with the interested Members of the Senate. I commend each Member for their dedicated work and the hard work that has resulted in the successful development of this third way.

This bill is a good piece of legislation. I urge all colleagues to support its passage and send a message to all nations that are receiving AIDS assistance from America that we will continue to stand by their side in the great fight. Our commitment to ridding the world of all these diseases in our lifetime will never weaken or waiver. This is something that is appreciated in the countries in which we are

working. It is something they know America is doing for them. It is making friends in other parts of the world. I hope we can keep this process going. I urge everyone to vote for cloture this evening.

I yield the floor.

The ACTING PRESIDENT pro tempore. The senior Senator from Michigan.

(The remarks of Mr. LEVIN pertaining to the introduction of S. 3255 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

OIL CONTRACTS IN IRAQ

Mr. LEVIN. Mr. President, I am deeply concerned by the apparent lack of a clear and consistent U.S. policy on the entering into of oil deals in Iraq in the absence of Iraqi national hydrocarbon legislation. Unfortunately, that hydrocarbon legislation, which would ensure equitable distribution of oil revenues among the Iraqi people, and enable increased oil production and long-term foreign investment, remains stalled in the Iraqi Assembly. Continued failure by the Iraqi Government to pass national hydrocarbon legislation, a political benchmark which was set by the Iraqis for themselves, risks fracturing the country and jeopardizing hard-fought gains.

Last September, Hunt Oil Company, an American firm, was the first company to sign a production-sharing contract with the Kurdistan Regional Government, or KRG. The KRG has now apparently signed approximately two dozen such contracts with international oil companies, all of which have been condemned by the Iraqi national Government. Iraq's Oil Minister has called these deals "illegal" and the State Department's May 2008 report on Iraq indicates that progress on national hydrocarbon legislation has been "complicated by the KRG's pursuit of oil contracts" and is now "at a standstill."

Administration officials have stated publicly and in letters to me that U.S. policy strongly discourages oil production-sharing contracts between private companies and regional governments in Iraq, including the KRG. However, representatives from Hunt Oil Company have indicated that they specifically asked about U.S. policy regarding such deals in meetings with State Department employees prior to Hunt Oil signing their production-sharing contract with the KRG and were told "there was no policy, neither for nor against." I am concerned that if a policy discouraging contracts with regional governments was in place prior to the signing of Hunt Oil's contract with the KRG, that it was not adequately understood or communicated by State Department employees in their interactions with Hunt Oil and other international oil companies seeking to do business in Iraq.

Mr. President, I ask unanimous consent that a letter I wrote to the President's National Security Advisor, Ste-

phen Hadley, and his response to me on this issue 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 ARMED SERVICES,
Washington, DC, June 5, 2008.

Hon. STEPHEN J. HADLEY,
Assistant to the President for National Security
Affairs, National Security Council, Wash-
ington, DC.

DEAR MR. HADLEY: I write to you in regard to Hunt Oil Company's decision to sign an oil production sharing contract (PSC) with the Kurdistan Regional Government (KRG) on September 8, 2007, and the official U.S. government policy relating to such deals. The KRG has now signed more than 25 PSCs with international oil companies, several of which are subsidiaries of U.S.-based companies.

The PSCs signed between international oil companies and the KRG run directly counter to our goals for reconciliation in Iraq and risk fracturing the country over the management of Iraq's oil industry and distribution of oil revenues. As you know, Iraq's Oil Minister has called PSCs like the one signed by Hunt Oil "illegal." Furthermore, the State Department's May 2008 report on Iraq states that progress on the national hydrocarbon legislation "is at a standstill" and its prospects for passage have been "further complicated by the KRG's pursuit of oil contracts."

While the State Department report also indicates "the United States continues to discourage the KRG from signing oil contracts until negotiations on a national oil law are completed," I am concerned that U.S. policy has not been clearly and consistently communicated to oil companies who have signed or may be considering signing PSCs with the KRG, including U.S.-based companies like Hunt Oil.

In response to reports of contacts between Hunt Oil employees and State Department representatives prior to the company signing a PSC with the KRG on September 8, 2007, I sent a series of letters to Hunt Oil and Secretary Rice regarding the nature of these contacts and whether U.S. officials expressed opposition to such a deal prior to its signing. The responses I received from the State Department and Hunt Oil starkly contradict one another.

In response to a letter I sent to Hunt Oil Chief Executive Officer Ray Hunt, I was provided an email from Hunt Oil's General Manager for Mideast Exploration David McDonald to another Hunt Oil employee dated September 28 in which he detailed meetings he had with State Department Regional Reconstruction Team (RRT) representatives on June 12, June 15, and September 5, 2007. Of the June 15 meeting, Mr. McDonald states that he "specifically asked if the USG had a policy toward companies entering contracts with the KRG" and was told "that there was no policy, neither for nor against." Mr. McDonald also states, "There was no communication to me or in my presence made by the 9 state department officials with whom I met prior to 8 September that Hunt should not pursue our course of action leading to a contract. In fact there was ample opportunity to do so, but it did not happen."

On the other hand, the State Department in a letter to me stated "Hunt Oil apparently first expressed its interest in signing an agreement with the KRG to RRT staff in the meeting on September 5, 2007. RRT staff explained U.S. Government policy against signing deals with the KRG to Mr. McDonald."

The clear inconsistency between the State Department and Hunt Oil in their account-

ing of the meetings leading up to the company's signing of a PSC with the KRG is deeply troubling. Hunt Oil says that they were never told about a U.S. policy against signing deals with the KRG. The State Department says that Hunt Oil was told of such a policy on September 5, three days before the deal was signed.

I believe the administration should request Hunt Oil, and other U.S.-based oil companies, to withdraw from any PSC they have signed and to advise the KRG that they are doing so in order to facilitate the passage of national hydrocarbon legislation. I also believe that the administration should clearly define and disseminate a policy relating to the signing of oil deals with the KRG.

Thank you for your attention to this matter.

Sincerely,

CARL LEVIN,
Chairman.

THE WHITE HOUSE,
Washington, DC, July 4, 2008.

Hon. CARL LEVIN,
Chairman, Committee on Armed Services, U.S.
Senate, Washington, DC.

DEAR CHAIRMAN LEVIN: Thank you for the opportunity to reiterate the Administration's policy regarding oil production sharing contracts with the Kurdistan Regional Government (KRG).

United States policy strongly discourages oil production sharing contracts between private companies and regional governments in Iraq, including the KRG, prior to the enactment of national hydrocarbon legislation authorizing such contracts. This policy is embodied in a cable to the United States Embassy in Baghdad dated August 3, 2006. I understand that you have been provided with a copy of this cable. The United States Government also has announced this policy publicly.

To implement this policy, the United States has been in a position to request companies, including U.S.-based companies, not to enter into any oil contracts with regional governments in Iraq and to advise those companies of the legal and political risks of doing so.

You have asked the United States to request that U.S.-based oil companies withdraw from oil production sharing contracts already signed with the KRG. The Administration shares your view that it would have been better had these contracts not occurred. We do not believe, however, that seeking the termination of oil contracts between the KRG and private companies based in the United States would substantially advance efforts to resolve the impasse with the KRG on national hydrocarbon legislation in Iraq. Oil production sharing contracts between U.S.-based private companies and the KRG constitute only a small number of the approximately two dozen oil production sharing contracts to which the KRG is a party.

The United States continues to encourage both the KRG and the national government of Iraq to resolve their differences and to agree on national legislation that will allow companies to pursue opportunities with a clear legal framework across Iraq.

Please let me know if we may be of further assistance regarding this matter.

Sincerely,

STEPHEN J. HADLEY,
Assistant to the President for
National Security Affairs.

Mr. LEVIN. Mr. President, on a related issue, recent reports indicate the Government of Iraq is now in negotiations with five Western oil companies for no-bid "technical service" contracts at existing oil fields. When

asked about these contracts on June 19, 2008, Secretary Rice said:

The United States Government has stayed absolutely out of the matter of the awarding of Iraqi oil contracts. It's a private sector matter.

However, subsequent reports indicate that State Department employees advised the Iraqi Government on the drafting of these technical service contracts. These reports were followed on July 1 with news that Iraq intends to award contracts to develop six oil fields and two natural gas fields, with or without the passage of national hydrocarbon legislation.

These contracts would seem to circumvent the national hydrocarbon legislation currently under consideration in Iraq and could risk further complicating what are already delicate negotiations. I am concerned by the administration's silence on these contracts and the message our reported involvement in drafting the no-bid technical service contracts sends to the Iraqi Government about the importance of passing national hydrocarbon legislation. I am sending a letter to Stephen Hadley today asking him about U.S. policy with regard to these service and development contracts and expressing my concern that such contracts might harm negotiations on national hydrocarbon legislation. I ask unanimous consent that this letter also 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 ARMED SERVICES,
Washington, DC, July 11, 2008.

Hon. STEPHEN J. HADLEY,
Assistant to the President for National Security
Affairs, National Security Council, Wash-
ington, DC.

DEAR MR. HADLEY: Thank you for your July 4, 2008, response to my previous letter. However, I remain concerned about the signing of oil deals in Iraq in the absence of national hydrocarbon legislation and the lack of a clearly stated U.S. government policy regarding such deals.

Published reports indicate that the Government of Iraq is in negotiations with five Western oil companies for no-bid "technical service" contracts. These reports were followed on July 1st with news that Iraq intends to award contracts to develop six oil fields and two natural gas fields.

These contracts would appear to circumvent the national hydrocarbon legislation currently under consideration and risk further complicating what are already delicate negotiations. Furthermore, continued failure by the Iraqi Government to pass national hydrocarbon legislation, a political benchmark set by the Iraqis for themselves, risks fracturing the country.

I am concerned by the Administration's silence on the potential signing of technical service and oil field development contracts by the Iraqi government prior to passing national hydrocarbon legislation and would appreciate your response to the following questions:

1. Is there an official U.S. policy with regard to the technical service contracts currently under negotiation by the Iraqi Government?

2. Is there an official U.S. policy with regard to the oil field development contracts being considered by the Iraqi Government?

3. Is it the Administration's view that the technical service contracts or the oil field development contracts under consideration by the Iraqi Government will complicate efforts to pass national hydrocarbon legislation? If so, have you expressed these concerns to the Iraqi Government or to oil companies seeking to do business in Iraq?

Thank you for your prompt assistance in this matter.

Sincerely,

CARL LEVIN,
Chairman.

Mr. LEVIN. Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The senior Senator from New York is recognized.

Mr. SCHUMER. Mr. President, I rise today to briefly discuss the turmoil in the financial markets, especially with regard to Fannie Mae and Freddie Mac. Let me be clear, Fannie and Freddie are too important to fail. Their fundamentals, as they look now, provide no reason to think they will fail. We all know how important they are.

These two institutions are the foundation of the mortgage market, and we fully stand behind them and their crucial role. Without Fannie and Freddie, housing markets would come to an utter standstill and our economy, shaky as it is, would sink much deeper. Therefore, we should take all necessary steps to ensure affordable home ownership for millions of American families, and that includes preserving the essential role Fannie Mae and Freddie Mac play.

Our Nation is caught in the middle of one of the most severe housing downturns since the Great Depression, so it is not surprising that the two institutions that guarantee \$5 trillion worth of mortgages for families across America are now facing real significant challenges. But the markets' overreaction over the past 2 days is more based on psychology than reality.

Over the past few days, Treasury Secretary Paulson, James Lockhart, the GSE's primary regulator, the Federal Reserve, and Chairman Bernanke, and leading Senators, including both parties' candidates for President, have all clearly stated their confidence in Fannie and Freddie and the Government's commitment to keeping those institutions safe and secure.

That commitment has not changed and will not change.

Fannie Mae and Freddie Mac are well capitalized. They are actually holding capital in excess of their current requirements.

In these volatile markets—in these volatile markets—share price is not the most reliable measure for judging Fannie and Freddie and will not dictate the responses by the regulators. Rather, the regulators are more closely watching the performance of Fannie's and Freddie's bonds and how their yields compare to U.S. treasuries. Right now, Freddie and Fannie bonds are trading closer to treasuries than they were in March after the Bear Stearns collapse, and that is a reassuring signal.

The stock markets may be overreacting, but the regulators should not and will not. I have talked to them on a regular basis today, and I can assure Americans in the markets that they are very much on top of this problem, they are looking at it in a careful, thoughtful, but nonpanicky and nonrush way.

We do not believe the regulators will be forced to act, but if they are, it is not a choice between inaction or full-blown receivership because there is more than one way to shore up Fannie and Freddie, if necessary. There are countless intermediate steps that regulators could take before ever having to entertain a Government takeover.

The regulators are preparing for worst-case scenarios. But developing contingency plans does not mean that disaster is around the corner. By simply being prepared, the Government can restore confidence that these institutions will remain safe and secure and continue to function in their essential role as the cornerstone of the mortgage markets for decades to come.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The junior Senator from Alabama is recognized.

AIR FORCE'S KC-X TANKER COMPETITION

Mr. SESSIONS. Mr. President, I wish to take a few moments to talk about the Air Force's KC-X tanker competition. There was a House hearing on that matter this week, and a number of our colleagues have spoken on it. I have discussed it on the floor a couple of times.

As you will remember, that contract was awarded to the Northrop/EADS team back in February, after a competition that the Air Force adjudicated. That team—the Northrop/EADS team—plans to build a new tanker, which our military desperately needs, in my hometown of Mobile, AL. It is important to the people of Alabama, and they are watching it very closely.

However, Boeing objected to the decision. They protested. They cited 100 concerns with the Air Force's award—more than 100. The Government Accountability Office, whose duty is to review such complaints, did so and concluded that out of the 100-plus complaints, only eight elements of the protest had merit. So it was then up to the Department of Defense, after the GAO report was issued, to decide how it would address GAO's concerns. That is the way the system works, and every bidder has that opportunity. The DOD was not legally bound to accept or acknowledge these criticisms. They legally could have gone forward with the process and affirmed their own decision and gone forward with it. However, Secretary Gates considered the matter carefully. He announced that in order to ensure this selection process is totally fair, transparent, and beyond reproach, that the Secretary would order a "limited recompetition" of the contract. This new competition will be

personally overseen, he said, by the Under Secretary of Defense for Acquisition, Technology, and Logistics, Mr. John Young, and Mr. Young will be advised by a completely new Source Selection Advisory Committee.

Secretary Gates announced he will amend the original solicitation and allow both Boeing and Northrop Grumman to submit revised bids. The amended contract will address each of the eight complaints that were upheld by GAO. Wisely, I think, it ignored the extraneous issues that some have raised over the past few months, such as WTO disputes or industrial base matters.

So let me repeat, each of the concerns raised by the GAO would be addressed, but political considerations here in Washington, the Secretary said, will not affect this process.

So as the Secretary said in his press conference yesterday:

Industry, the Congress and the American people all must have confidence in the integrity of this acquisitions process. I believe the revised process will result in the best tanker for the Air Force at the best price for the American taxpayer.

I think that is what Congress asked of him, and that is what he has committed to do.

The GAO affirmed the Secretary's decision yesterday in testimony before the House Armed Services Committee. Daniel Gordon, the Deputy General Counsel for the GAO—I think he headed the team or supervised the team at GAO—said that, based on the Department of Defense press conference earlier this week, “it certainly sounded to me like Secretary Gates was acting in good faith to implement the recommendations” made by the GAO. This expedited process, it is hoped, can lead to a new source selection soon.

There are some additional points I wish to make to respond to those who say the GAO's decision suggests a preference for one aircraft—for the Boeing aircraft. In other words, some have contended that their decision indicated that GAO was suggesting that a wrong decision was made. Others have suggested that this report should, therefore, invite the Congress to somehow take over this competition, which I submit would be unprecedented and unwise since we are not aircraft engineers, we are not pilots, we are not responsible for managing these aircraft, nor are we capable of making the final decision about which aircraft is the best.

So I would make these points: No. 1, the GAO did not say Boeing should have won the competition at all, nor did it say the award should now be sole-sourced to Boeing or any other contractor. GAO said clearly when they released their decision:

Our decision should not be read to reflect a view as to the merits of the firm's respective aircraft. Judgments about which offeror will most successfully meet the governmental needs largely is reserved for the procuring agencies, subject only to such statutory and regulatory requirements as full and

open competition and fairness to potential offerors.

This point was reinforced yesterday in testimony before the House Armed Services Committee by Mr. Daniel Gordon, who is the deputy general counsel for the GAO:

We found serious errors in the procurement process that could have affected the outcome of, again, what was a close competition. But our legal decision does not say anything about the merits of the Boeing's or Northrop's proposed tankers.

Point 2: When it comes to capability, the Northrop Grumman plane is still the superior choice for our warfighters, I would submit, based on the analysis, and I would make these points—ultimately, that would have to be decided by the professionals, not this Senator.

I would just make these points as a push-back to some of the comments my colleagues have raised. First, I would note that the A330, the Northrop aircraft frame, is a more modern airframe than the Boeing 767. The first 767 flew in 1982. The A330 was first built in 1998, some 16 years later. It is a much more modern airframe.

No. 2: I would note that no one disputes that the A330 can carry and offload more fuel, the primary job of a refueling tanker. The Air Force judged that one Northrop plane could do more refueling more efficiently than one Boeing plane, and the GAO upheld that finding.

The GAO did criticize the Air Force for giving Northrop “extra credit” for their superior refueling capability. However, they noted that this extra credit was not in keeping with—in a legal sense—the language of the original request for proposal. They did not say the Air Force shouldn't place a premium on refueling capability. Mr. Gordon of GAO said yesterday:

There was an objective. Northrop exceeded it by quite a bit and Northrop got all the extra credit. We have no opinion, we have no view on whether it was a good idea.

Well, I would suggest that giving a refueling tanker credit for its refueling capability would seem like a good idea to me, if the Air Force wants the best aircraft for their men and women in uniform.

Further, I would note that in addition to carrying more fuel, the GAO also agreed with the Air Force and their finding that the larger boom envelope of the Northrop KC-45 would make it easier and safer for pilots to refuel.

In addition, because the A330 is a more capable refueler than the 767, the Air Force predicts they will ultimately have to buy 22 fewer aircraft if they go with the Northrop team. At today's prices, the sticker price of 22 aircraft is \$4.3 billion. That is without factoring in manning those aircraft and maintaining them over the years.

The GAO acknowledged in their report and in their testimony yesterday that the A330 can carry more cargo, more personnel, and conduct more aeromedical evaluations. They said:

We see no basis to conclude that the Air Force's evaluation that Northrop Grumman's aircraft was more advantageous in the airlift area is unreasonable.

The GAO further found no fault with the Air Force's conclusion that the Boeing proposal was more risky in certain areas and that their past performance on—by the Boeing team—on similar contracts was “marginal.”

So what did the GAO ultimately say about the Air Force's decision? They certainly said the decision was flawed from a procedural perspective, but they also said the Air Force picked a plane that could carry and offload more fuel more efficiently and in a more desirable way for pilots.

The main fuselage compartment of the aircraft is not where the fuel is stored. It is in the wings. So these aircraft have a tremendous capability of helping airlift personnel and equipment to a distant battlefield. They found that the plane's secondary mission—airlift—could be accomplished more effectively by the Northrop aircraft.

Finally, the GAO agreed that the Northrop plane was lower risk and that Boeing had marginal past performance.

Point 3: We need to maintain a fair and competitive process. The fact that we chose to compete this contract—that Congress ordered a competition for this aircraft—directed it rather than sole-sourcing it to Boeing or any other company, as some would have preferred, has been hugely beneficial to our military and to our taxpayer. Boeing's preferred sole-source leasing plan or scheme that got through this Congress, or this Senate, would have had us leasing 100 767s for \$23.5 billion. So we would lease them for \$23.5 billion, or \$235 million a copy.

Now, thanks to this very competitive and aggressively conducted bid competition, thanks to fair and transparent procedures, the military is going to own 179 superior aircraft for \$35 billion, or \$195 million a copy. That is a win for the taxpayers and a win for the military.

As Secretary Young said yesterday in his testimony before the House Armed Services Committee:

I see no benefit, in my experience across the acquisition enterprise, setting this aside. Sole sources limit our flexibility in negotiating prices. We achieve the best value through a competitive source selection of a single source who has bid in a competitive environment and offered us hopefully an excellent deal.

So these words should induce caution in those of my colleagues and some of our Senators who have introduced legislation that would, in effect, sole-source this contract to Boeing. The result would be inferior planes for our military and clearly inflated costs for the taxpayers.

As important as the principle that we should have a competitive process for defense contracts is the principle that the military ultimately—and not the

Congress—should be in charge of making meritorious, objective, and fair decisions on who should be the winner of a contract.

As Secretary Young said yesterday in his testimony:

Grounded in the warfighter's requirements and the pursuit of the best value for the taxpayer, the Defense Department is the only organization that can fairly and knowledgeably conduct this competition . . .

Isn't that true?

. . . The Defense Department does not care which tanker wins the competition. The Defense Department's sole objective is to get the required capability for the men and women who serve this Nation at the best price for the taxpayer.

I certainly think that is correct. I certainly think that is correct.

I will conclude by saying, after the collapse and quite a bit of embarrassment and actual criminal prosecutions of the sole-source lease plan that occurred—and we are all aware of how that occurred—Congress required a competition. By definition, a competition assumes that there will be bidders, and there are only two potential bidders in the world for this kind of aircraft. And if you are going to have a competition, it needs to be fair. Both bids should be objectively evaluated on the merits of the product they have offered. If that is so, I think the American taxpayer will be the winner in the end. I will just say to my colleagues, I have advice. I believe the Northrop team presented the best aircraft, but I don't know. I am not an expert. So I would urge my colleagues to resist any political pressures that might be brought to bear or interests that they may have in infecting this process with politics. Let's let them make the best decision. That is what I have said from the beginning, and that is what I have said throughout this process. That is what I believe is the only right position we can take.

I thank the Chair and yield the floor.

JOB TRAINING

Mr. DODD. Mr. President, I am pleased that the Senate is poised to pass this critically important legislation that will help address the foreclosure crisis our Nation is facing and take necessary steps to bolster our flagging economy. We have all seen the far-reaching effects the housing crisis is having on our economy, and in my view it is incumbent upon us to examine any actions we might take to reduce foreclosures and steady our Nation's housing markets.

My home State of Connecticut has pursued an innovative approach to help people facing foreclosure on their homes. In a bill passed recently by the Connecticut General Assembly and signed by the Governor, \$2.5 million was devoted to a job training fund targeted at people facing foreclosure. Guiding this new initiative is the idea that if people have access to job training, they may be able to find higher paying jobs that would allow them to keep their homes and avoid fore-

closure. This program will be run by The WorkPlace, Inc., Southern Connecticut's workforce development board, and Capital Workforce Partners, North Central Connecticut's workforce board that serves 37 municipalities, both of which have done a tremendous job in Connecticut helping to train people for better jobs over many years. I think that this is an important idea that merits study as the Congress continues to consider how to help hard-working families weather the current economic storms. As the Chair of the Subcommittee on Employment and Workplace Safety and a great champion of job training programs, I would welcome any thoughts on this matter from my distinguished colleague from Washington.

Mrs. MURRAY. I thank the distinguished chairman of the Banking Committee, and thank him for his leadership on this legislation. As the chairman knows, I have been a long-time advocate of our Nation's job training programs as an effective tool to help people get the skills they need to secure family-wage jobs, improve their quality of life, and keep our communities healthy and competitive. In fact, I believe that giving workers the opportunity to grow their skills is one of the critical elements of our Nation's economic security. That's why I fought for the passage of the Workforce Investment Act in 1998 and will continue to push for its reauthorization and increased funding levels for its job training programs. Workforce boards around the country, including those in my home State of Washington, administer great job training programs that help millions of Americans get off unemployment rolls or out of low-paying, dead-end jobs.

I think the program that my colleague described sounds like an initiative that is certainly worth study. Indeed, any ideas that could help even more people avoid the economic turmoil and emotional hardship foreclosures cause for themselves and their families should be considered.

Mr. DODD. I thank my colleague from Washington for her comments and for her leadership on this issue. I also would ask the Senator from Washington if it is her understanding, as it is mine, that workforce boards administer programs that train workers for jobs in cutting-edge industries such as renewable energy and energy efficiency.

Mrs. MURRAY. I thank the Senator from Connecticut for his question. We believe now, as we did when we passed the act into law, that for training to benefit working families and their communities, it must respond to the skills needs of thriving industries that lead to family-wage jobs. An example of this is the green jobs sector. Innovative States, such as my own State of Washington, are leading the expansion of career opportunities in the green economy, making sure that opportunities are readily available for workers

to acquire the skills to qualify for these good jobs. In fact, Washington State set a new goal to increase the number of clean energy jobs to 25,000 in the next 12 years and committed to finance the necessary training. Innovative workforce boards across the country increasingly are providing training for green collar jobs that will be critical in meeting the demands of a low-carbon economy and providing workers with quality jobs. And Congress also is taking action. As a member of the Committee on Appropriations, I supported the recent passage the Labor/Health and Human Services bill; we reported that a greater training investment needs to be made in areas such as renewable electric power, biofuels, energy-efficiency assessment and environmentally sustainable manufacturing and directed the Secretary of Labor to competitively award community based job training grants in these areas. All of these programs will be instrumental in developing the skilled domestic workforce necessary to maintain our Nation's competitive edge.

Mr. DODD. I look forward to working with the distinguished senior Senator from Washington on this idea and hope that we continue to explore fresh ideas to help lift our Nation out of this housing crisis.

Mr. AKAKA. Mr. President, I support the Housing and Economic Recovery Act of 2008. I appreciate the leadership of Chairman DODD and Ranking Member SHELBY in developing a comprehensive bill that will meaningfully address the housing crisis in our country. Working families are losing their homes. Credit access has been drastically reduced. Affordable housing options for our constituents are severely limited.

Hawaii's foreclosure rate increased by more than 88 percent last year, for a total of 1,270 families who had their homes foreclosed. The results for the first part of 2008 are even more troubling, with a foreclosure rate in April representing a 218 percent increase over the same month in 2007. Comparatively, Hawaii has not suffered as much as other States. However, foreclosure statistics do not reflect pending delinquencies for those families struggling to make payments or those with resetting adjustable rate mortgages. Additionally, falling home prices can lead to homeowners having to sell at a significant loss due to an unexpected transfer or a loss of a job, especially under current economic conditions.

This much needed bipartisan legislation will help protect homeowners across the country, prevent foreclosures, increase the supply of affordable housing, and assist our Nation's veterans. This legislation will modernize and improve the Federal Housing Administration, FHA, to provide homeowners with additional access to fixed rate mortgages. Additional resources will be provided by this bill for housing counseling to assist homeowners in finding solutions to their difficult situations. Mortgage disclosures

will also be made more meaningful to consumers by this legislation.

The bill creates a new affordable housing trust fund and a capital magnet fund to increase access to affordable housing. These efforts are so important because we have such a shortage of affordable housing in my home State of Hawaii. According to the National Low Income Housing Coalition's 2007–2008 Out of Reach report, Hawaii ranks as the most expensive housing jurisdiction in the country. We must act to provide additional resources to help build and preserve affordable housing units for working families.

I also appreciate the inclusion of a provision that is derived from my legislation, S. 2768. This corrects an oversight in the Economic Stimulus Act of 2008 and extends the temporary home loan guaranty increase to veterans so that more of them can realize the dream of home ownership.

The VA Home Loan Guaranty was part of the original GI bill in 1944. It provided veterans with a federally guaranteed home loan with no downpayment. This landmark legislation made the dream of home ownership a reality for millions of returning veterans. More than 25 million veterans and service members are now eligible for VA home loan guarantees.

The amount of the home loan guaranty was last adjusted by the Veterans Benefits Improvement Act of 2004. The maximum guaranty amount was increased to 25 percent of the Freddie Mac conforming loan limit determined under Section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act for a single family residence, as adjusted for the year involved. Using that formula, because the Freddie Mac conforming loan limit for a single family residence in 2008 is \$417,000, VA will guarantee a veteran's loan up to \$104,250. This guaranty exempts homeowners from having to make a downpayment or secure private mortgage insurance.

The newly enacted Economic Stimulus Act of 2008, however, temporarily reset the Fannie Mae, Freddie Mac, and FHA home loan guarantee limits to 125 percent of metropolitan-area median home prices, without reference to the VA home loan program. This had the effect of raising the Fannie Mae and Freddie Mac limits to nearly \$730,000, in the highest cost areas, while leaving the VA limit of \$417,000 in place. This important group of Americans may benefit from an increased home loan guaranty in this time of economic uncertainty.

This legislation would also increase benefits for specially adapted housing for disabled veterans. Increases in housing and home adaptation grants have been infrequent. Unless the amounts of the grants are adjusted, inflation erodes the value and effectiveness of these benefits, making it more difficult for beneficiaries to afford the accommodations they need. This provision would go a long way in making

certain that specially adapted housing benefits meet the current needs of America's veterans.

We must enact this essential legislation to help homeowners remain in their homes, ensure access to credit, create more affordable housing opportunities, and provide much needed improvements to veterans' housing benefits.

Mr. FEINGOLD. Mr. President, I support the Housing and Economic Recovery Act because it contains a number of provisions that will assist communities in Wisconsin and around the country as they continue to respond to the foreclosure crisis. Many housing analysts say that the foreclosure crisis and its drain on our economy could get worse before it gets better. With more than 2 million American families facing foreclosure, Congress must act both to help those Americans going through foreclosure now as well as to help prevent Americans from facing foreclosure in the future. While not perfect, this bill contains both reactive and proactive provisions that should help States, local communities, and American families as they deal with the foreclosure crisis and its effects on our Nation.

Last month, the Joint Center for Housing Studies at Harvard University released its annual report, "The State of the Nation's Housing." This report looks at a variety of housing statistics, including figures related to affordability issues and foreclosures. The report indicates just how grim the housing situation in our country is right now. According to the report, "the number of homes in foreclosure proceedings nearly doubled by almost one million by the end of 2007." While the foreclosure rate in my State of Wisconsin is not as high as in other parts of the country, Wisconsin's foreclosure rate also continues to grow. The Milwaukee Journal Sentinel has compared foreclosure rates in 2008 and 2007 and reported that for the first half of this year, the foreclosure rate in Milwaukee County increased by over 40 percent when contrasted with 2007's foreclosure rate. Additionally, the Capital Times recently reported about the substantial increase in foreclosures throughout Wisconsin over the past few years, noting that "foreclosures have more than doubled from 2005 to 2008." I also continue to hear from housing advocates about the individual families' stories behind these foreclosure statistics and about the rising number of foreclosures in urban, rural, and suburban parts of Wisconsin. With foreclosures continuing to rise, Congress has a duty to act. Although there are provisions in this bill that I have serious concerns about and hope to see changed, on balance, this housing package represents a step in the right direction.

Last month's report from the Joint Center for Housing Studies at Harvard also highlights the problem of affordability of housing and notes that there are over 17 million families whose

housing costs consume more than half their income. I continue to hear about the lack of affordable housing, both for renters and homeowners throughout Wisconsin. Some housing analysts have also said that the lack of affordable housing helped to contribute to the growth in subprime lending and non-traditional mortgage products in recent years as families increasingly struggled to meet rising housing costs. I am pleased that this Senate bill addresses the lack of affordable housing in this country by creating a housing trust fund financed by resources from the Government-sponsored enterprises, Fannie Mae and Freddie Mac. Over the past few years, I have heard from a number of housing advocates throughout the State of Wisconsin about the need to create a national affordable housing trust fund to supplement the affordable housing work that is going on at the local, city, and State level. Hundreds of affordable housing trust funds have been created throughout the country, including in the city of Milwaukee, and help finance the rehabilitation, production, and preservation of affordable housing. These trust funds not only create affordable housing, but they can also create good-paying jobs and help bring stability to our communities.

In the fall of 2006, I introduced the Affordable Housing Expansion and Public Safety Act, which among other things called on Congress to create a national affordable housing trust fund with the goal of supplying affordable housing units and sufficient income targeting to address the housing affordability burdens faced by extremely low-income and very low-income families. I am pleased this legislation we are considering takes the first steps toward the creation of a national housing trust fund and contains deep income targeting to benefit extremely low-income and very low-income families. Research shows that these families often face the most severe housing cost burdens and have a difficult time finding affordable housing whether they live in urban, suburban, or rural communities. I commend Senators REED and DODD for working to ensure this provision was included in the legislation and I hope that the final housing package sent to the President will retain this provision.

I have also heard from advocates in Wisconsin in strong support of the nearly \$4 billion that is included in CDBG funding to States and local communities hard hit by the housing crisis. These funds can be used to buy and redevelop foreclosed upon homes with the intention to sell, rent, or redevelop these homes. This provision was also included in the Senate Foreclosure Prevention Act that this body passed in April of this year and, at that time, I noted that the flexibility of the CDBG program will allow States and local communities to use this funding in a way that best fits the individual needs of their States and communities. I am

pleased that the Housing and Economic Recovery Act retains the requirement that 25 percent of the CDBG funds included in this bill be used to redevelop foreclosed homes for families or individuals whose income is at 50 percent of the area median income or less. This targeting will help ensure that those most in need are not left out of the Federal assistance provided in this legislation. I am disappointed that the President has issued a veto threat over this provision of the legislation given its broad support from housing advocates and State and local governments.

This provision would provide much needed assistance for a number of States, including Wisconsin. According to the Center for American Progress, the CDBG funds in the bill will bring Wisconsin \$57.2 million in direct funds for housing assistance and restore over 1,815 properties. The Senate has designated this funding as emergency funding, and while I would prefer to see this CDBG funding fully offset, this critical funding is needed in our communities now. The Senate will soon be sending this bill back to the House of Representatives, and I urge my colleagues in the other body to offset this CDBG funding rather than strike it out of this package entirely.

I also support the provisions in this bill providing increased funding for mortgage counseling programs as well as provisions that enhance mortgage disclosure requirements. These provisions were also included as part of the Senate Foreclosure Prevention Act that this body passed in April, and I am pleased the provisions were kept in as part of this current package. Reports indicate that the mortgage counseling dollars are a cost-effective use of Federal dollars and increased funding will provide even more families with the necessary assistance to try to reach workable solutions with their lenders in order to remain in their homes. The enhanced mortgage disclosure requirements included in this legislation will help future borrowers who are taking out their first mortgage or refinancing their existing mortgages better understand the terms of their loans and how much they can expect to pay every month. There are a number of reports indicating that some borrowers were misled into troublesome loan products and these enhanced disclosures will help to prevent some of these egregious practices from happening in the future.

This legislation also contains a regulatory overhaul of the Government Sponsored Enterprises, Fannie Mae and Freddie Mac, as well as the Federal Home Loan Bank system. Congress has been working to overhaul the regulatory structure of Fannie Mae and Freddie Mac for years in response to the accounting scandals at the two GSEs in 2003 and 2004. This legislation creates a single regulator for the GSEs that will help to oversee the stability of the GSEs, including setting up management standards for Fannie Mae and

Freddie Mac. More effective oversight of the GSEs is needed and should this legislation be enacted, Congress must closely follow the implementation of these substantial GSE reforms to ensure the reforms are effective.

This comprehensive housing package includes the FHA Modernization Act which has already passed the Senate twice—once as a stand-alone bill in December of last year and earlier this year as part of the Senate Foreclosure Prevention Act. The Federal Housing Administration is an important Federal agency providing expanded access to the housing market for homeowners by offering mortgage insurance to families throughout the country. There is bipartisan support for modernizing the FHA to help the agency better assist homeowners in today's housing market. As with the GSE reforms contained in this bill, I will monitor the implementation of the FHA reforms to ensure that these reforms truly benefit low-income and middle-income homeowners who are the very homeowners the FHA and the GSEs are supposed to serve as part of their affordability missions.

Another piece of this legislation is the Hope for Homeowners Act, which will establish a new Federal Housing Administration program that will allow homeowners facing foreclosure to refinance their mortgages into an FHA-insured mortgage. It is important to note that this voluntary program is not permanent and contains a sunset ending the program in 2011. While this program is certainly not perfect, the Congressional Budget Office has estimated that the program could help 400,000 of the over 2 million homeowners facing foreclosure stay in their homes. This program should be given a chance to work with careful oversight from Congress, the FHA, and HUD to ensure that borrowers and lenders are not taking advantage of the program. The Hope for Homeowners program contains a number of provisions to help ensure that the program is targeted to borrowers facing foreclosure, rather than speculators who gambled on the housing market. For example, the borrower has to certify to the Federal Government that he or she has not defaulted on his or her mortgage intentionally or provided untrue information to obtain a mortgage. The legislation also specifies that the Hope for Homeowners program is only available to mortgages that cover an owner-occupied primary residence, and not speculators who own multiple homes. Lenders will also have to agree to write down the value of the existing mortgages to be no more than 90 percent of the current value of the property. Finally, the borrowers will have to share any future equity and appreciation in their homes with the Federal Government if the borrower decides to sell his or her home or refinance his or her mortgage.

This bill is not perfect. I have some concerns related to certain provisions

in the bill that I hope can be addressed in ongoing negotiations with the House of Representatives.

For example, I am disappointed that this bill does not include Senator DURBIN's legislation which would have removed a provision in bankruptcy law that prevents mortgages on primary residences from being modified during bankruptcy. According to advocates, the Durbin legislation could help approximately 600,000 individuals or families remain in their homes. We tried to pass this legislation as an amendment to the Senate Foreclosure Prevention Act in April, but, unfortunately, the amendment met with stiff resistance in the lending community. Due to the complex nature of the foreclosure problem, we need to enact a wide range of legislative proposals to help families facing foreclosure, and the Durbin legislation is an important part of any legislative response. I voted for Senator DURBIN's stand-alone legislation in the Judiciary Committee, and I hope the Senate can move this proposal forward in the coming weeks and months.

We also need to address predatory lending practices that have taken place around the country and ensure that such abuses are not repeated. Senator DODD has introduced a predatory lending bill that should serve as the foundation for comprehensive predatory lending legislation. Predatory lending practices and abusive subprime lending practices have contributed to one of the most significant challenges to our national economy in years and in order to more effectively address these challenges, Congress should pass predatory lending legislation this year.

As foreclosure rates continue to grow in Wisconsin and around the country, Congress must address the problems associated with increased foreclosures. Subprime lending and rising foreclosure rates are complicated issues to unravel and any response, whether legislative or regulatory, will bring with it a set of consequences, some intended and some unintended. As this legislation moves forward, Congress and the relevant Federal agencies must monitor its effects and consider whether modifications are necessary. This package of reforms and new programs will likely not correct all of the subprime and foreclosure problems our country continues to face. But a number of the provisions in this bill will provide some help for families, local communities, and States as our country continues to respond to these serious housing issues, and I hope the House will pass and the President will sign this bill into law quickly.

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

Mr. DURBIN. Mr. President, later this afternoon the Senate will be voting on two measures. One is the housing bill. We have been working on it for months. The object behind this bill is to find some relief for the thousands of people who will lose their homes today and every day.

About 7,500 Americans will have their homes foreclosed on today, and that has been repeated over and over. We are reaching a housing crisis in this country. It not only affects those who are losing their homes; it affects those of us who live nearby who make our mortgage payments and watch the value of our homes go down because somebody in the neighborhood lost their home, had to put it up for auction, sold it at less than what they wanted to just to get out of the deal. So we need to do something about this housing crisis, not just for the good of those families affected by foreclosure and those living nearby but for the housing industry, which is an important part of our economy.

This housing bill has been around for several weeks. This week alone we had two Republican filibusters slowing down this bill. If there has ever been a time when we shouldn't slow down, when we should move forward with dispatch, it is now. With the state of our economy, with the number of people unemployed, with the costs that a lot of families are facing, this Senate ought to put politics behind, stop these filibusters, move these bills forward, and give our best efforts to try to solve some of the problems facing our country.

The second bill we are going to be voting on is called the PEPFAR bill. This is a bill which relates to a program announced by President Bush.

Now I am on the Democratic side of the aisle. I have sure had my differences with President Bush. However, I can remember his State of the Union Address when he stood up and said: I think the United States should lead the world in fighting the global HIV/AIDS epidemic. I jumped out of my seat to applaud because he was right. I supported the President every year when he came in asking for more money so we could work around the world to deal with the scourge of HIV/AIDS, tuberculosis, and malaria. After the first 5 years, the President came back and said: We need a new program, one that takes into account what we are doing around the world and what we need to do in the future. I think he was right.

We basically had two programs going at once, and we were participating more in one—the PEPFAR Program—which was the President's emergency program to deal with this problem. It was the direct aid of the United States to countries around the world—some 15 different countries—where we provide assistance in dealing with HIV/AIDS, tuberculosis, and malaria. There is a separate endeavor called the Global Fund, and that really engages the whole world and the rest of the world. We participate in that too. We are part of it.

A lot of people may say: Well, with all of the problems in the United States, why are we spending all of this money overseas? It turns out to be a small fraction of our budget but a very

important investment. First, that money spent defines who we are. America is a caring nation. When we read about tragedies around the world, whether it is a hurricane or an earthquake or some other disaster, our people rally to help.

We always have. I am proud of that. I think it says a lot about who we are. There are a lot of people trying to paint an image of America around the world that is very negative, an image most of us here don't even recognize. For a lot of people in the world, all they ever hear is bad news about the United States.

This is part of the good news about the United States. President Bush's initiative to deal with the global AIDS crisis is the right thing to do. It explains who we are and what American values are. It brings the expertise we have in our country to other countries around the world who are, frankly, struggling with a very slow economy or backward economy, and a lot of people are in trouble.

When I first went to Africa a number of years ago, I wasn't looking for a global AIDS epidemic, but I could not avoid it. In every country there I visited, I would see more and more people who were doomed to die because they had been infected—young people, mothers and fathers with children by their side, who knew death was the ultimate result of this disease. There was no place for them to turn. At that point, there weren't any drugs—at least not available to these poor countries. All they were doing was trying to keep people as strong as they could for as long as they could to avoid the fatal onset of these diseases.

Things have changed. They have changed because of the PEPFAR program of President Bush, the global fund program. We are taking therapies now and medications that have kept Americans infected with HIV alive for so many years and sharing them with countries around the world. President Bush comes before us now with this proposal, S. 2731, which wants to reauthorize the global AIDS program. I think it is a good idea. I am a cosponsor. It is a bipartisan bill, led by Senator BIDEN, a Democrat from Delaware, and Senator LUGAR, a Republican from Indiana. It is a bipartisan bill. This bill has been stopped on the floor of the Senate for months. A handful of Senators don't want this bill to move forward for a variety of reasons. If they disagree with this bill, if there is something they wish to change, let them offer an amendment about the bill.

But it turns out, yesterday, when we confronted these Senators and said: What is your problem? What is the amendment you want to offer, they want to offer amendments that have nothing to do with the global AIDS crisis, nothing to do with this bill. That, to me, is unnecessary and unfortunate. We are delaying the passage of this important lifesaving legislation so some Senators can offer amendments that

have nothing to do with the subject matter.

I hope they will reconsider. In fact, the Senate being in session this late on a Friday is unusual. We are usually back home by now. But we are here, having spent the whole day waiting for a vote at about 5:20 because one particular Senator—Senator DEMINT of South Carolina—objected to moving forward with the vote on this bill either this morning or on Monday. So 100 Senators—at least those of us who are still here—wait patiently for this vote and hope to get home to our families this evening or maybe even tomorrow. I hope we pass the bill. We need 60 votes to do it. If all Senators are present, there are 51 Democrats and 49 Republicans. Even with all the Democrats supporting the President, we need nine Republicans to make this a bipartisan bill, and we should.

The Presiding Officer, Senator BROWN of Ohio, has focused a large part of his congressional career in the House and in the Senate on the issue of tuberculosis. He has traveled all around the world and has seen the scourge of the disease and what it has meant to these different nations. We can treat it effectively. If we fail to treat it effectively, it can get complicated and very challenging—this multidrug-resistant tuberculosis, which we read about in the newspapers once in a while and is extremely difficult to treat.

If a person in a developing country is developing tuberculosis, and we can spot it and treat them with very low-cost medicine immediately, we can cure it. If we fail, their condition can worsen and the disease can worsen and more people can be subject to it.

We don't live in a world where public health problems are isolated. The public health problem in Africa today could be the same public health problem in America 2 weeks from now. All it takes is an airplane ride. We have seen that happen before. So when we treat these diseases overseas, we are not only speaking of our values and who we are, we are doing something that is right when it comes to the area of public health.

Critics of the bill have said it goes too far. Let me give you one illustration. They argue, for example, we should not be including in this bill—directed at HIV/AIDS, tuberculosis, and malaria—nutrition programs. They are wrong. I went to an area of Nairobi, Kenya. It is a slum area, where about 600,000 people are living in very abject circumstances. It is called Kanburra. If you saw the movie "The Constant Gardener," I believe it was broadcast—or at least filmed in this slum. They have all the problems you can imagine—public diseases and health problems. Of course, HIV/AIDS and tuberculosis are found in this slum area. They took me to a section on the outskirts where there were mothers with small children, families. The kids were playing in this courtyard-like area and the

mothers were sitting on benches. Most of the mothers looked like they were about to die. I said: Why didn't these mothers, who are suffering from HIV/AIDS, get the drugs they need? They said: Well, they did. Unfortunately, these mothers were suffering from malnutrition. They don't have enough food. They give the food to the kids. Because they don't have enough food to eat, the drugs cannot work. Their systems are so compromised because of their weakness and malnutrition that the drugs don't work.

So to say we are going to send drugs to that slum in Nairobi, Kenya, to cure HIV/AIDS but not food to feed the patients is self-defeating. We would not achieve our goal of saving lives and giving those kids the parents they need for the rest of their lives. A nutrition program is an important part of this effort.

I hope this bill will pass this afternoon, or at least move forward, but we need 60 votes for that to happen. We have to come together and put politics aside. I hope those who wish to offer a variety of amendments relating to other things, and not directly to global AIDS and HIV, will save those battles for another day. I want them to save those battles because that mother in Nairobi is fighting a battle right now; she needs our help. President Bush understands that. Senator LUGAR, a Republican leader, understands that, Senator BIDEN understands that, and the Senate should too.

It is, to me, a bit embarrassing that we have waited this long to bring up this bill of such critical importance to so many millions of people around the world. It is our chance this afternoon to do what is right and move it forward. The sacrifice we have made to stick around and not be with our families this evening, as we hoped to be, is worth it if, at the end of the day, we can pass this important motion, move the legislation forward for a vote early next week.

I salute the occupant of the chair for his leadership on the issues of tuberculosis and many other areas of public health. I know you feel this is the right thing to do. A small investment now can make a big difference in lives around the world. I hope our colleagues will share that view this afternoon when we vote on the motion to proceed to this bill, which is President Bush's plan to deal with the global AIDS crisis.

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

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

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. DODD. Mr. President, I wish to take a couple of minutes before the

vote occurs in the next 10 minutes or so to thank, first of all, the majority leader for his tireless efforts to see to it that we stuck with this housing bill. I know it has been a number of days since we began this debate on the housing issue.

Regrettably, because of a handful of people who oppose the bill, which is certainly their right, we have been held up from going to final passage. We could have passed this bill yesterday. We could have passed it last week. We have had overwhelming votes in favor of this housing proposal. Yet, as is the right of any individual Senator or small group of them, they can use every parliamentary vehicle available to them to delay any consideration.

The tragedy is, the difference between passing this bill yesterday and today, another 8,000 to 9,000 families are filing for foreclosure, and every day we delayed over the last 2 or 3 weeks of considering this bill—just remember that every day we could have passed this bill, somewhere between 8,000 and 9,000 families began the process of losing their homes.

While we cite these numbers over and over—53 percent increase, values go down, 1.5 million have lost their homes—somehow they glaze over the reality of what is happening with a family. Imagine, if you will, as I said yesterday, that you had to go home this evening and tell your children, your family: We are going to have to lose our home. We have to pack up. I am not sure where we are going. I am not sure we will find anything. But we are about to lose the home that was our dream, the ability to raise our family here, to accumulate equity to pay for college for our children, maybe pay for health care costs, unexpected costs that arose—everything that families use with the greatest and most important asset that most will ever acquire, and that is their home.

Over the last year and a half, 1.5 million people have fallen into the category of losing their home. The economic effects, of course, have been staggering. They go far beyond, obviously, what happens to individual families, as tragic as that is.

This bill, which Senator SHELBY, I, and 19 other members of the Banking Committee—Democrats and Republicans—put together and brought to the floor on a vote of 19 to 2, deals with the foreclosure crisis by providing some hope for allowing people to stay in their homes at rates they can afford. Lenders will have to take a substantial cut from what they otherwise would be getting. Borrowers will have to pay insurance to the FHA. They have to live in that home. It is not for speculators. It is for a limited amount of time, but it gives them a chance to stay there. We also provide for modernization of FHA, as well as reform of government-sponsored enterprises.

Today, as people watched the economic news of the country, we know that Fannie Mae and Freddie Mac,

these great mortgage lenders that are responsible for more than 50 percent of the mortgages in the country, have had a tough day. The good news is they stabilized at the end of the day, and rightfully so because these institutions, despite what some have said, are on a sound footing. They are adequately capitalized. In fact, they have more capital than Federal law requires and they have access to it. I am glad to report that things seem to be stabilizing when it comes to the government-sponsored enterprises.

We also include an affordable housing program and, of course, community development block grant money.

Senator MAX BAUCUS and Senator CHUCK GRASSLEY deserve great credit for what they included in the tax package—mortgage revenue bonds, first-time tax relief for people who buy foreclosed houses, along with tax provisions that will be a real asset to begin to let us come out of this economic crisis, the worst we have had in years in this country. In fact, the loss of value in our homes now is some of the worst we have seen in decades in our Nation.

So shortly we will have a chance to once again vote on this bill and then send it to the House of Representatives. I had a good conversation with Congressman BARNEY FRANK of Massachusetts a little earlier this afternoon about this bill, and while there is some disagreement about what we are doing in the Senate bill, my hope would be—and I will make this plea to our colleagues in the other Chamber—that they would be willing to accept this Senate bill. I know there are provisions in there they do not necessarily agree with, but I think on the fundamentals there is basic agreement about the value of what we have done here. I am hopeful they will accept that. They may not, and send us back an alternative idea, but I hope before they did that they would sit down with Senator SHELBY and me and try to work out those differences so we could have one more pass at this before sending it to the President for his signature.

Again, I am very grateful to the majority leader, very grateful to Senator SHELBY and his staff for the wonderful work they have done in working with us in order to bring us to the point of finally adopting this legislation. It is not the final stop, but it is a major stop in getting this bill done, hopefully in the next several days, and getting it to the President for his signature. It will not solve every problem. But for those who said this Congress could not come together in a bipartisan fashion to do something responsible about housing, this bill does that.

For those reasons, I urge my colleagues to support the motion in the vote that will occur momentarily, and let us move on with our ability to solve this major economic crisis, the heart of which is the foreclosure crisis.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. BROWN. Mr. President, I want to speak briefly for 1 or 2 minutes, because I know we are voting right at 5:21, and I will be done well before that.

First, I thank Senator DODD for his very important and incredibly effective work on housing. That is such a huge issue, and we need to pass that today, and we will in a couple of minutes.

Secondly, I thank Senator DURBIN for his comments on PEPFAR and how important that is for our place in the world and as a humanitarian effort. I have spent time in prisons in Moscow, in Siberian prison camps, and in Haiti in Dr. Farmer and Dr. Kim's clinic, and I have seen how tuberculosis ravages bodies, especially when it is combined with HIV. Most people in Africa who die from HIV actually are dying from the tuberculosis bacteria. I would add it is even more crucial and devastating when this TB evolves into multidrug resistant TB or, even worse, a newer form, a more virulent, more deadly TB called excessive drug resistant TB.

I urge this body to pass the housing bill, and to have particular focus on the PEPFAR legislation, supported by the President. I appreciate the President's input and work on this. It is very important for our country and for our place in the world.

I thank the Chair, 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. DODD. 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. DODD. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

Mr. SPECTER. Mr. President, I ask unanimous consent that the call of the roll begin now.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The question is on agreeing to the motion to disagree to the amendments of the House, adding a new title and inserting a new section to the amendment of the Senate to H.R. 3221.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from California (Mrs. BOXER), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Louisiana (Ms. LANDRIEU), the Senator from Vermont (Mr. LEAHY), the Senator from Missouri (Mrs. MCCASKILL), the Senator from Washington (Mrs. MURRAY), the Senator from Nebraska (Mr. NELSON), the Senator from Illinois (Mr. OBAMA), the Senator from Michigan (Ms. STABENOW), and the Senator from Montana (Mr. TESTER) are necessarily absent.

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

Mr. KYL. The following Senators are necessarily absent: the Senator from Tennessee (Mr. ALEXANDER), the Senator from Colorado (Mr. ALLARD), the Senator from Missouri (Mr. BOND), the Senator from Kentucky (Mr. BUNNING), the Senator from Georgia (Mr. CHAMBLISS), the Senator from Oklahoma (Mr. COBURN), the Senator from Minnesota (Mr. COLEMAN), the Senator from Tennessee (Mr. CORKER), the Senator from Texas (Mr. CORNYN), the Senator from Idaho (Mr. CRAIG), the Senator from South Carolina (Mr. DEMINT), the Senator from Nevada (Mr. ENSIGN), the Senator from New Hampshire (Mr. GREGG), the Senator from Nebraska (Mr. HAGEL), the Senator from Texas (Mrs. HUTCHISON), the Senator from Oklahoma (Mr. INHOFE), the Senator from Florida (Mr. MARTINEZ), the Senator from Arizona (Mr. MCCAIN), the Senator from Alaska (Ms. MURKOWSKI), the Senator from Alabama (Mr. SHELBY), the Senator from Alaska (Mr. STEVENS), and the Senator from Louisiana (Mr. VITTER).

Further if present and voting, the Senator from Minnesota (Mr. COLEMAN) and the Senator from Tennessee (Mr. ALEXANDER) would have voted "yea."

Further, if present and voting, the Senator from Kentucky (Mr. BUNNING), the Senator from South Carolina (Mr. DEMINT), and the Senator from Texas (Mr. CORNYN) would have voted "nay."

The result was announced—yeas 63, nays 5, as follows:

[Rollcall Vote No. 173 Leg.]

YEAS—63

Akaka	Dorgan	Mikulski
Baucus	Durbin	Nelson (FL)
Bayh	Feingold	Pryor
Bennett	Feinstein	Reed
Biden	Graham	Reid
Bingaman	Grassley	Roberts
Brown	Harkin	Rockefeller
Brownback	Hatch	Salazar
Burr	Inouye	Sanders
Byrd	Isakson	Schumer
Cantwell	Johnson	Sessions
Cardin	Kerry	Smith
Carper	Klobuchar	Snowe
Casey	Kohl	Specter
Clinton	Lautenberg	Sununu
Cochran	Levin	Voinovich
Collins	Lieberman	Warner
Conrad	Lincoln	Webb
Dodd	Lugar	Whitehouse
Dole	McConnell	Wicker
Domenici	Menendez	Wyden

NAYS—5

Barrasso	Enzi	Thune
Crapo	Kyl	

NOT VOTING—32

Alexander	DeMint	McCaskill
Allard	Ensign	Murkowski
Bond	Gregg	Murray
Boxer	Hagel	Nelson (NE)
Bunning	Hutchison	Obama
Chambliss	Inhofe	Shelby
Coburn	Kennedy	Stabenow
Coleman	Landrieu	Stevens
Corker	Leahy	Tester
Cornyn	Martinez	Vitter
Craig	McCain	

The motion was agreed to.

TOM LANTOS AND HENRY J. HYDE UNITED STATES GLOBAL LEADERSHIP AGAINST HIV/AIDS, TUBERCULOSIS, AND MALARIA RE-AUTHORIZATION ACT OF 2008—MOTION TO PROCEED—Resumed

The PRESIDING OFFICER. Under the previous order, the clerk will report the motion to invoke cloture.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Mr. President, I and a number of people have spoken on the floor about the African HIV/AIDS bill many times, including a number of speeches earlier today. This legislation demonstrates our commitment to helping African nations fight the terrible scourge of HIV/AIDS that is now taking approximately 8,000 lives every day on the African Continent. President Bush called on this Congress to invest in this initiative in 2003, and we worked hand-in-hand with the White House to pass this into law.

Now is the time to continue our commitment to this worthy cause. An overwhelming majority of Democrats and Republicans along with the President supported this legislation. I believe this bill should have been passed weeks ago by unanimous consent. I recognize that a very small number of Republicans have continued to object, and we worked hard to reach a compromise and move forward.

Senators LUGAR and BIDEN have done a wonderful job. The concerns among some Republicans have been addressed in this bill. Senators BIDEN and LUGAR negotiated a bipartisan substitute amendment that added more than 15 Republican amendments to this base bill which itself was a bipartisan bill.

Last night, we agreed to have votes on numerous Republican amendments that were relevant to the bill. Unfortunately, my friends on the other side continue to object, which is why we are here today—principally one objection.

Today, we are going to propose a unanimous-consent agreement that would allow 10 Republican amendments, including amendments from Senators GREGG, DEMINT, CORNYN, BUNNING—

Mr. CARPER. Mr. President, the Senate is not in order.

The PRESIDING OFFICER. The Senate will be in order.

Mr. REID. I think the Republican leader and virtually every single Senator would agree that we have negotiated in good faith and reached a fair agreement. Not a single Senator can legitimately claim that they were not given fair consideration, and we allowed 10 Republican amendments in addition to the Republican amendments there are in the bipartisan substitute.

After weeks of delay, I hoped we could move forward with this agreement to finally pass the legislation that all but a handful of Senators strongly support.

Mr. President, I ask unanimous consent that upon disposition of the House

message to accompany H.R. 3221, the Senate proceed to vote on the motion to invoke cloture on the motion to proceed to S. 2731, Global AIDS legislation; that if cloture is invoked on the motion to proceed, then on Monday, July 14, after a period of morning business, all postcloture time be deemed expired, the motion to proceed be agreed to, and the motion to reconsider be laid upon the table, and that the Senate then begin consideration of the bill; that once the bill is reported, the committee-reported substitute amendment be withdrawn, and Senator BIDEN be recognized to offer the Biden-Lugar managers' substitute amendment; that the Biden-Lugar amendment be considered and agreed to, and the bill as thus amended be considered as original text for the purpose of further amendments; that the only first-degree amendments be those that are listed in this agreement, with relevant second-degree amendments in order to the first degree to which offered; that in the case where a 60-affirmative-vote threshold on adoption of an amendment is required, if the amendment does not achieve that threshold, then it be withdrawn; if it achieves that threshold, then it be agreed to and the motion to reconsider be laid upon the table; that the provisions of this agreement relating to the amendments in order would be invalidated if the text of the amendments have not been provided to the bill managers no later than 2 p.m., Monday, July 14, and the managers acting jointly have notified the leaders by 3 p.m., Monday, July 14, that there are no objections; that if the managers and leader, acting jointly, determine that a side-by-side amendment strategy is the appropriate approach for the listed amendments, then it be in order for side-by-side amendments, with the majority getting the first vote on any side-by-side amendments.

The amendments are: Gregg amendment re: Establish an IG within Global AIDS office; Gregg amendment re: Include cost share agreements; DeMint amendment re: Reduce spending authorization to \$35 billion; DeMint amendment re: Prohibit fund use for extraneous provisions, subject to a 60-affirmative-vote threshold; Cornyn amendment re: Sunset commission; Bunning amendment re: Reauthorization current law; Kyl amendment re: Specify authorization level for last year will be \$10 billion; Vitter amendment re: IG for contributions to Global Fund; Sessions amendment re: Strike lifting ban on visas for individuals with HIV/AIDS, subject to an affirmative 60-vote threshold; Thune/Kyl amendment re: Cut AIDS funding/devote to Indian law enforcement or safe drinking water, subject to an affirmative 60-vote threshold.

Provided that upon disposition of all amendments, the bill, as amended, be read a third time, and the Foreign Relations Committee then be discharged from further consideration of H.R. 5501, the House companion, and the Senate

then proceed to its consideration; that all after the enacting clause be stricken and the text of S. 2731, as amended, if amended, be inserted in lieu thereof, the bill be advanced to third reading, and the Senate then proceed to vote on passage of H.R. 5501, as amended; that upon passage of H.R. 5501, S. 2731 be returned to the calendar; provided further that if cloture is not invoked, and upon reconsideration of the cloture vote, and cloture is then invoked, then all postcloture time be considered as having been yielded back, the motion to proceed be agreed to, and the motion to reconsider be laid upon the table, and the Senate then begin consideration of the bill; that once reported, the committee-reported substitute be withdrawn, without further intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. MENENDEZ. Mr. President, I do not intend to object. Can you tell me whether, to your knowledge, the rules require the objecting Senator to be present? I understand on the last vote, which also had an objection, that the objecting Senator did not cast a vote.

Mr. REID. Thank you. I wanted to say this. The reason that we are here today and not working on other business is one Senator held this up, and so this vote is required. That Senator is not here today. So that pretty well answers the question.

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

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, the clerk will report the motion to invoke cloture.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to Calendar No. 698, S. 2731, the Lantos-Hyde U.S. Global Leadership Against HIV/AIDS, Tuberculosis and Malaria Act.

Harry Reid, Joseph R. Biden, Jr., Barbara A. Mikulski, Charles E. Schumer, Christopher J. Dodd, Debbie Stabenow, Maria Cantwell, Byron L. Dorgan, Richard Durbin, Patrick J. Leahy, Bernard Sanders, Benjamin L. Cardin, Jack Reed, John F. Kerry, Patty Murray, Jon Tester, Thomas R. Carper.

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 S. 2731, a bill to authorize appropriations for fiscal years 2009 through 2013 to provide assistance to foreign countries to combat HIV/AIDS, tuberculosis, and malaria, and for other purposes, 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 California (Mrs. BOXER),

the Senator from Massachusetts (Mr. KENNEDY), the Senator from Louisiana (Ms. LANDRIEU), the Senator from Vermont (Mr. LEAHY), the Senator from Missouri (Mrs. McCASKILL), the Senator from Washington (Mrs. MURRAY), the Senator from Nebraska (Mr. NELSON), the Senator from Illinois (Mr. OBAMA), the Senator from Michigan (Ms. STABENOW), and the Senator from Montana (Mr. TESTER) are necessarily absent.

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

Mr. KYL. The following Senators are necessarily absent: the Senator from Tennessee (Mr. ALEXANDER), the Senator from Colorado (Mr. ALLARD), the Senator from Missouri (Mr. BOND), the Senator from Kentucky (Mr. BUNNING), the Senator from Georgia (Mr. CHAMBLISS), the Senator from Oklahoma (Mr. COBURN), the Senator from Minnesota (Mr. COLEMAN), the Senator from Tennessee (Mr. CORKER), the Senator from Texas (Mr. CORNYN), the Senator from Idaho (Mr. CRAIG), the Senator from South Carolina (Mr. DEMINT), the Senator from Nevada (Mr. ENSIGN), the Senator from New Hampshire (Mr. GREGG), the Senator from Nebraska (Mr. HAGEL), the Senator from Texas (Mrs. HUTCHISON), the Senator from Oklahoma (Mr. INHOFE), the Senator from Florida (Mr. MARTINEZ), the Senator from Arizona (Mr. MCCAIN), the Senator from Alaska (Ms. MURKOWSKI), the Senator from Alabama (Mr. SHELBY), the Senator from Alaska (Mr. STEVENS), and the Senator from Louisiana (Mr. VITTER).

Further, if present and voting, the Senator from Kentucky (Mr. BUNNING) and the Senator from Texas (Mr. CORNYN) would have voted "nay."

Further, if present and voting, the Senator from Tennessee (Mr. ALEXANDER), the Senator from Minnesota (Mr. COLEMAN), and the Senator from Tennessee (Mr. CORKER) would have voted "yea."

The yeas and nays resulted—yeas 65, nays 3, as follows:

[Rollcall Vote No. 174 Leg.]

YEAS—65

Akaka	Dorgan	Mikulski
Baucus	Durbin	Nelson (FL)
Bayh	Enzi	Pryor
Bennett	Feingold	Reed
Biden	Feinstein	Reid
Bingaman	Graham	Roberts
Brown	Grassley	Rockefeller
Brownback	Harkin	Salazar
Burr	Hatch	Sanders
Byrd	Inouye	Schumer
Cantwell	Isakson	Smith
Cardin	Johnson	Snowe
Carper	Kerry	Specter
Casey	Klobuchar	Sununu
Clinton	Kohl	Thune
Cochran	Lautenberg	Voinovich
Collins	Levin	Warner
Conrad	Lieberman	Webb
Crapo	Lincoln	Whitehouse
Dodd	Lugar	Wicker
Dole	McConnell	Wyden
Domenici	Menendez	

NAYS—3

Barrasso	Kyl	Sessions
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NOT VOTIN—32

Alexander	DeMint	McCaskill
Allard	Ensign	Murkowski
Bond	Gregg	Murray
Boxer	Hagel	Nelson (NE)
Bunning	Hutchison	Obama
Chambliss	Inhofe	Shelby
Coburn	Kennedy	Stabenow
Coleman	Landrieu	Stevens
Corker	Leahy	Tester
Cornyn	Martinez	Vitter
Craig	McCain	

The PRESIDING OFFICER. On this vote, the yeas are 65, the nays are 3. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that we now proceed to a period of morning business, with Senators allowed to speak therein for up to 10 minutes each.

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

39TH BIENNIAL CLERGY-LAITY CONGRESS OF THE GREEK ORTHODOX CHURCH OF AMERICA

Mr. REID. Mr. President, I come to the floor today to welcome the 39th Biennial Clergy-Laity Congress of the Greek Orthodox Church of America to Washington, D.C. This is a gathering of the clergy and lay leaders of the 550 parishes across the country with their hierarchs—bishops and metropolitans.

I am pleased that the metropolitan with jurisdiction over my State, Metropolitan Gerasimos of San Francisco, and the parishes from Ely, Las Vegas, McGill, and Reno are well represented at this meeting. The Greek Orthodox community in America is an integral part of our national mosaic. My State of Nevada has many very successful citizens in both the government and private sectors whose families trace their origins to Greece.

His Eminence Archbishop Demetrios, the leader and representative of this national community, serves as Exarch of Ecumenical Patriarch Bartholomew—the spiritual leader of millions of Orthodox Christians around the world. Ecumenical Patriarch Bartholomew, who on June 29, 2008, celebrated mass with Pope Benedict XVI at St. Peter's Basilica in the Vatican, has also been awarded the highest civilian honor Congress can bestow, the Congressional Gold Medal.

With the blessings of Archbishop Demetrios, and under the leadership of the Order of St. Andrew of the Greek

Orthodox Church, the Greek Orthodox community has been an invaluable source of information for the United States Senate with regard to the numerous issues facing the nearly 2,000 year-old Ecumenical Patriarchate.

As a result of this warm relationship, on November 29, 2006, 73 U.S. Senators, including myself, signed a letter to President Bush expressing great concern about the religious freedom of the Ecumenical Patriarchate in Turkey. According to the United States Commission on International Religious Freedom's May 2008 annual report, legal recognition of religious minorities, such as the Greek Orthodox community, "has not been implemented in Turkish law and practice."

On behalf of my fellow Senators, I wish to welcome the priests and lay leaders in the 550 parishes across the country, the bishops, the Metropolitans of Chicago, Pittsburgh, Boston, Denver, Atlanta, Detroit, San Francisco, and New Jersey; the Archbishops, and especially the Greek Orthodox community of Nevada to this year's Clergy-Laity Congress here in Washington, DC. I wish all of you the best for a successful and productive event.

13TH ANNIVERSARY OF THE SREBRENICA MASSACRE

Mr. SPECTER. Mr. President, I have sought recognition to mark the 13th anniversary of the Srebrenica massacre.

Between July 12 and July 16, 1995, an estimated 8,000 Bosniak Muslim men and boys were slaughtered in the region of Srebrenica in Bosnia and Herzegovina. This was the largest mass murder in Europe since the Second World War. The killings were committed by the Army of the Republika Srpska, under the direct command of Ratko Mladic, and with the approval of Republika Srpska President Radovan Karadzic.

The atrocities in Srebrenica were documented in the November 1995 indictment of Ratko Mladic and Radovan Karadzic by the International Criminal Tribunal for the former Yugoslavia, ICTY:

"SAFE AREA" OF SREBRENICA

1. After war erupted in the Republic of Bosnia and Herzegovina, Bosnian Serb military forces occupied Bosnian Muslim villages in the eastern part of the country, resulting in an exodus of Bosnian Muslims to enclaves in Gorazde, Zepa, Tuzla, and Srebrenica. All of the events referred to in this indictment took place in the Republic of Bosnia and Herzegovina.

2. On 16 April 1993, the Security Council of the United Nations, acting pursuant to Chapter VII of its Charter, adopted resolution 819, in which it demanded that all parties to the conflict in the Republic of Bosnia and Herzegovina treat Srebrenica and its surroundings as a safe area which should be free from any armed attack or any other hostile act. Resolution 819 was reaffirmed by Resolution 824 on 6 May 1993 and by Resolution 836 on 4 June 1993.

3. Before the attack by Bosnian Serb forces, as described in this indictment, the

estimated Bosnian Muslim population in the safe area of Srebrenica was approximately 60,000.

ATTACK ON THE SAFE AREA OF SREBRENICA

4. On or about 6 July 1995, the Bosnian Serb army shelled Srebrenica and attacked United Nations observation posts that were manned by Dutch soldiers and located in the safe area. The attack on the Srebrenica safe area by the Bosnian Serb army continued through 11 July 1995, when the first units of the attacking Bosnian Serb forces entered Srebrenica.

5. The Bosnian Muslim men, women and children who remained in Srebrenica after the beginning of the Bosnian Serb attack took two courses of action. Several thousand women, children and some mostly elderly men fled to the UN compound in Potocari, located within the safe area of Srebrenica, where they sought the protection of the Dutch battalion responsible for the compound. They remained at the compound from 11 July 1995 until 13 July 1995, when they were all evacuated by buses and trucks under the control of and operated by Bosnian Serb military personnel.

6. A second group of approximately 15,000 Bosnian Muslim men, with some women and children, gathered at Susnjari during the evening hours of 11 July 1995 and fled, in a huge column, through the woods towards Tuzla. Approximately one-third of this group consisted of armed Bosnian military personnel and armed civilians. The rest were unarmed civilians.

EVENTS IN POTOCARI

7. On 11 July 1995 and 12 July 1995, Ratko Mladic and members of his staff met in Bratunac with Dutch military officers and representatives of the Muslim refugees from Potocari. At these meetings, Ratko Mladic informed them, among other things, that Bosnian Muslim soldiers who surrendered their weapons would be treated as prisoners of war according to the Geneva Conventions and that refugees evacuated from Potocari would not be hurt.

8. On or about 12 July 1995, Bosnian Serb military forces burned and looted Bosnian Muslim houses in and around Potocari.

9. On or about 12 July 1995, in the morning hours, Bosnian Serb military forces arrived at the UN military compound in Potocari and its environs.

10. On or about 12 July 1995, Ratko Mladic arrived in Potocari, accompanied by his military aides and a television crew. He falsely and repeatedly told Bosnian Muslims in and around Potocari that they would not be harmed and that they would be safely transported out of Srebrenica.

11. On or about 12 July 1995, at the direction and in the presence of Ratko Mladic, approximately 50-60 buses and trucks arrived near the UN military compound in Potocari. Shortly after the arrival of these vehicles, the evacuation process of Bosnian Muslim refugees started. As Muslim women, children and men started to board the buses and trucks, Bosnian Serb military personnel separated the men from the women and children. This selection and separation of Muslim men took place in the presence of and at the direction of Ratko Mladic.

12. The Bosnian Muslim men who had been separated from other refugees were taken to diverse locations in and around Potocari. On or about 12 July 1995, Ratko Mladic and Bosnian Serb military personnel under his command, informed some of these Muslim men that they would be evacuated and exchanged for Bosnian Serbs being held in Tuzla.

13. Most of the Muslim men who had been separated from the other refugees in Potocari were transported to Bratunac and then to the area of Karakaj, where they were

massacred by Bosnian Serb military personnel.

14. Between 12 July 1995 and 13 July 1995, Bosnian Serb military personnel summarily executed Bosnian Muslim men and women at diverse locations around the UN compound where they had taken refuge. The bodies of those summarily executed were left in fields and buildings in the immediate vicinity of the compound. These arbitrary killings instilled such terror and panic amongst the Muslims remaining there that some of them committed suicide and all the others agreed to leave the enclave.

15. The evacuation of all able-bodied Muslim refugees concluded on 13 July 1995. As a result of the Bosnian Serb attack on the safe area and other actions, the Muslim population of the enclave of Srebrenica was virtually eliminated by Bosnian Serb military personnel.

SURRENDER AND EXECUTIONS

16. Between the evening of 11 July 1995 and the morning of 12 July 1995, the huge column of Muslims which had gathered in Susnjari fled Srebrenica through the woods towards Tuzla.

17. Bosnian Serb military personnel, supported by armored personnel carriers, tanks, anti-aircraft guns and artillery, positioned themselves along the Bratunac-Milici road in an effort to interdict the column of Bosnian Muslims fleeing towards Tuzla.

18. As soon as the column reached Bosnian Serb held territory in the vicinity of Buljim, Bosnian Serb military forces attacked it. As a result of this and other attacks by Bosnian Serb military forces, many Muslims were killed and wounded and the column divided into several smaller parts which continued towards Tuzla. Approximately one-third of the column, mostly composed of military personnel, crossed the Bratunac-Milici road near Nova Kasaba and reached safety in Tuzla. The remaining Muslims were trapped behind the Bosnian Serb lines.

19. Thousands of Muslims were captured by or surrendered to Bosnian Serb military forces under the command and control of Ratko Mladic and Radovan Karadzic. Many of the Muslims who surrendered did so because they were assured that they would be safe if they surrendered. In many instances, assurances of safety were provided to the Muslims by Bosnian Serb military personnel who were with other Bosnian Serb soldiers wearing stolen UN uniforms, and by Muslims who had been captured and ordered to summon their fellow Muslims from the woods.

20. Many of the Bosnian Muslims who were captured by or surrendered to Bosnian Serb military personnel were summarily executed by Bosnian Serb military personnel at the locations of their surrender or capture, or at other locations shortly thereafter. Incidents of such summary executions include, but are not limited to:

20.1 On or about 13 July 1995, near Nezuk in the Republic of Bosnia and Herzegovina, a group of 10 Bosnian Muslim men were captured. Bosnian Serb soldiers summarily executed some of these men, including Mirsad Alispahic and Hajrudin Mesanovic.

20.2 On or about 13 July 1995, on the banks of the Jadar River between Konjevic Polje and Drinjaca, Bosnian Serb soldiers summarily executed 15 Bosnian Muslim men who had surrendered or been captured. Amongst those killed were Hamed Omerovic, Azem Mujic and Ismet Ahmetovic.

20.3 On or about 13 July 1995, in the vicinity of Konjevic Polje, Bosnian Serb soldiers summarily executed hundreds of Muslims, including women and children.

20.4 On or about 17 July 1995 or 18 July 1995, in the vicinity of Konjevic Polje, Bosnian Serb soldiers captured about 150-200 Bosnian

Muslims and summarily executed about one-half of them.

20.5 On or about 18 July 1995 or 19 July 1995, in the vicinity of Nezuk, about 20 groups, each containing between 5-10 Bosnian Muslim men, surrendered to Bosnian Serb military forces. After the men surrendered, Bosnian Serb soldiers ordered them to line up and summarily executed them.

20.6 On or about 20 July 1995 or 21 July 1995, near the village of Mecas, Bosnian Serb military personnel, using megaphones, urged Bosnian Muslim men who had fled Srebrenica to surrender and assured them that they would be safe. Approximately 350 Bosnian Muslim men responded to these entreaties and surrendered. Bosnian Serb soldiers then took approximately 150 of them, instructed them to dig their own graves and then summarily executed them.

20.7 On or about 21 July 1995 or 22 July 1995, near the village of Mecas, an excavator dug a large pit and Bosnian Serb soldiers ordered approximately 260 Bosnian Muslim men who had been captured to stand around the hole. The Muslim men were then surrounded by armed Bosnian Serb soldiers and ordered not to move or they would be shot. Some of the men moved and were shot. The remaining men were pushed into the hole and buried alive.

21. Many of the Muslims who surrendered to Bosnian Serb military personnel were not killed at the locations of their surrender, but instead were transported to central assembly points where Bosnian Serb soldiers held them under armed guard. These assembly points included, among others, a hangar in Bratunac; soccer fields in Kasaba, Konjevic Polje, Kravica, and Vlasenica; a meadow behind the bus station in Sandici and other fields and meadows along the Bratunac-Milici road.

22. Between 12 July 1995 and 14 July 1995, at various of these assembly points, including the hangar in Bratunac and the soccer stadium in Kasaba, Ratko Mladic addressed the Bosnian Muslim detainees. He falsely and repeatedly assured them that they would be safe and that they would be exchanged for Bosnian Serb prisoners held by Bosnian government forces.

23. Between 12 July 1995 and 14 July 1995, Bosnian Serb military personnel arbitrarily selected Bosnian Muslim detainees and summarily executed them.

MASS EXECUTIONS NEAR KARAKAJ

24. On or about 14 July 1995, Bosnian Serb military personnel transported thousands of Muslim detainees from Bratunac, Kravica and other locations to an assembly point in a school complex near Karakaj. At this assembly point, Bosnian Serb military personnel ordered the Muslim detainees to take off their jackets, coats and other garments and place them in front of the sports hall. They were then crowded into the school building and adjacent sports hall and held under armed guard.

25. On or about 14 July 1995, at this school complex near Karakaj, Ratko Mladic conferred with his military subordinates and addressed some of the Muslims detained there.

26. At various times during 14 July 1995, Bosnian Serb military personnel killed Bosnian Muslim detainees at this school complex.

27. Throughout 14 July 1995, Bosnian Serb military personnel removed all the Muslim detainees, in small groups, from the school building and sports hall and loaded them onto trucks guarded and driven by Bosnian Serb soldiers. Before boarding the trucks, many of the detainees had their hands tied behind their backs or were blindfolded. They were then driven to at least two locations in the vicinity of Karakaj.

28. Once the trucks arrived at these locations, Bosnian Serb military personnel ordered the bound or blindfolded Muslim detainees off the trucks and summarily executed them. The summary executions took place from approximately noon to midnight on 14 July 1995.

29. Bosnian Serb military personnel buried the executed Bosnian Muslim men in mass graves near the execution sites.

30. On or about 14 July 1995, Ratko Mladic was present at one of the mass execution sites when Bosnian Serb military personnel summarily executed Bosnian Muslim men.

31. The summary executions of Bosnian Muslim males, which occurred on 14 July 1995 in the vicinity of Karakaj, resulted in the loss of thousands of lives.

Since the end of the conflict in Bosnia and Herzegovina, the ICTY has made considerable progress. Charges have been filed against 161 individuals. Of those, the trials of 114 have concluded, resulting in 55 convictions; 47 cases are ongoing. Among the Tribunal's greatest successes was the August 2001 conviction of Radislav Krstic on the count of genocide. I was recently pleased to learn of the June 11, 2008, arrest of longtime fugitive Stojan Zupljanin by Serbian authorities, as this was the first capture of a major war crimes suspect in about a year. However, three individuals, including Radovan Karadzic and Ratko Mladic, remain at large.

It is vital that the remaining three be brought to face the court. It is imperative that the rule of law be brought into the international arena, both for the 8,000 who were killed in Srebrenica in July 1995, and for the many others who continue to suffer around the world today under oppressive regimes. I agree with former United Nations Secretary General Kofi Annan, who said during his 1997 visit to the ICTY, "impunity cannot be tolerated, and will not be. In an interdependent world, the rule of law must prevail."

HONORING SANDRA M. BODIN

Mr. KOHL. Mr. President, I rise today to honor Sandra M. Bodin, who has recently completed her services as president of the American Nephrology Nurses' Association, ANNA, for her dedication and contributions to nephrology nursing and kidney patients across the country.

ANNA's members are registered nurses and health care professionals at all levels of practice. They care for patients who are experiencing or are at risk for kidney disease. ANNA's mission is to advance nephrology nursing practices and positively influence outcomes for patients affected by kidney disease through advocacy, scholarship, and excellence.

As a member of ANNA, Ms. Bodin has served as president, vice president, and as a member of the Board of Directors. She received the Ron Brady Memorial Award for Excellence in Volunteer Leadership from ANNA in 2002. As president, Ms. Bodin has inspired nephrology nurses to reach the highest

levels of practice and patient care. She is a visionary leader who has implemented a broad range of initiatives that will continue to improve care for patients whose lives depend on dialysis and other kidney replacement treatments.

Professionally, Ms. Bodin graduated with a bachelor of arts and a master of arts in nursing from the College of St. Scholastica in Duluth, MN. She became a registered nurse in 1977 and a certified nephrology nurse in 1992. After completing work at Miller-Dawn Medical Center and St. Mary's Hospital, Ms. Bodin is currently the lead clinical informatics analyst and application coordinator at the SMDC Health System in Duluth.

I honor the efforts of Sandra M. Bodin to promote the care of those suffering from kidney disease and I recognize her achievements as a nurse, patient advocate, and healthcare leader. I commend her on her service to the American Nephrology Nurses' Association and our country. Please join me in honoring Ms. Bodin for her years of vision, leadership, and commitment.

IDAHOANS SPEAK OUT ON HIGH ENERGY PRICES

Mr. CRAPO. Mr. President, in mid-June, I asked Idahoans to share with me how high energy prices are affecting their lives, and they responded by the hundreds. The stories, numbering over 1,000, are heartbreaking and touching. To respect their efforts, I am submitting every e-mail sent to me through energy_prices@crapo.senate.gov to the CONGRESSIONAL RECORD. This is not an issue that will be easily resolved, but it is one that deserves immediate and serious attention, and Idahoans deserve to be heard. Their stories not only detail their struggles to meet everyday expenses, but also have suggestions and recommendations as to what Congress can do now to tackle this problem and find solutions that last beyond today. I ask unanimous consent to have today's letters printed in the RECORD.

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

Dear Senator Crapo: I work for Micron Technology in Boise Idaho as an Engineer. I love my job, but it is getting harder to pay my mortgage, food, gas and cost of living expenses. My wife used to work for Micron, but she got laid off last summer and has not found a new job. My job as an Engineer covered our expenses, and my wife's job was the extra money we used to go camping, out to dinner, and have fun with. Right now, we are barely getting by. All we do is sit home and complain about the politicians in Washington that are not doing anything to create jobs, lower gas prices and promote a stable economy.

I have given up on Washington. I am voting for a third party all the way from now on because the Republicans and Democrats can't play well together.

Sincerely,

TOM, Kuna.

Good afternoon Senator Crapo: First of all I want to thank you for the great job you do as my U.S. Senator!

I am an avid outdoorsman and like to backpack, hunt, fish, camp and enjoy all that Idaho has to offer! I am also a Scoutmaster with the Boy Scouts of America. In that capacity, it is necessary to have a big truck to haul gear and Scouts around. One of the Laws of Scouting is that a Scout is thrifty and, as such, we (I) make every effort to camp smartly to keep costs down for the parents so as to make scouting more affordable and enjoyable. We also believe in "Leave No Trace Camping," and try very hard to be good stewards of the environment. Up until recently, most of the Scoutmasters, including myself, have donated their trucks, fuel and maintenance costs as part of our monthly campouts. Unfortunately, fuel costs over the last few years have now taken a real toll on us, and we have had to pass many or most of those costs onto the parents. Additionally, my family enjoys camping, and the costs of fuel are definitely negatively impacting our families ability to get out and enjoy nature as much as we used to. Furthermore, as a Scouter, outdoorsman, businessman and family man, I am very concerned about the environment and want to preserve it for my kids, grandchildren and others. Therefore, a very careful look into preserving nature is important to me!

For years I have seen the United States being wasteful users of gasoline and other natural resources and sought to do my part to recycle and conserve energy. I have tried in earnest to reduce water waste and electric waste by turning water off as well as lights to reduce use and costs. Last month, I began to carpool with a neighbor on a daily basis to work to cut down on my personal consumption. I am trying to do my part in the effort; however, our country (my country) has been very shortsighted and unwilling to do a number of key things to lessen our dependence on foreign oil and gas.

For one, there has been a group within the United States that has successfully put a stranglehold on our ability to develop and extract petroleum products from known oil reserves. They would be best described as ultra radical tree huggers! That is as nice as I can put it! Again, I am an avid lover of nature, but our unwillingness to use those reserves has given OPEC and other oil producers around the world a wonderful opportunity to hold us hostage and run the prices up and watch us squirm! In my opinion some of our citizens and their elected officials have failed to protect our independence in the world market, by allowing ourselves to become so dependent on foreign oil.

As a respected Senator, I implore you to take this message to the Senate floor and loudly state that enough is enough!!! Remove the obstacles that prohibit the extraction of oil on our soil and within the territorial waters of the United States and get the control of oil back in our hands! Furthermore, with as much scientific talent that exist in our own country, we need to develop cleaner and more efficient vehicles while at the same time finding alternative engines powered by solar, nuclear, hydrogen or other alternative fuels to get our country back within our own control and not other governments or private companies! I enjoy having a big truck for all the activities I like to do, and there must be a safe, efficient, cost-effective power plant that can run a truck as well as a car, and we are long overdue on finding that alternative! Furthermore, the costs in fuel have really driven food costs as well as other household products costs way out of control!!!!

I am fed up with the ultra extreme protectionist attitude in this country that has put

us in this predicament! I do want responsible, well thought-out procedures to safeguard the environment while at the same time (for the short term) use our own oil while we think of new ways to make driving more cost-efficient, safe and with less pollution to the environment. I seriously think we are more than up to the task and believe that we can safely do both!!!

Sincerely,

JEFF, Boise.

With the price of gas going up, it just does not affect us with how much we drive; it affects groceries and price of common goods like carpet. Up till just this last month, we haven't had to make any drastic changes to our spending habits, but because of the price of everything, we are going to have to. A vacation we were going to take will have to wait, carpet that we were going to purchase will have to be put on hold, etc.

What makes matters worse is to find out that China is drilling in the Gulf Coast, right off our shore. Why aren't we drilling there, why aren't we becoming energy independent? If the Senate and the House can't get it right, which is not more taxation I might add, we need to get people in office that will. I thank you that you did not go along with the last bill and hope that you continue to fight for good legislation.

DONALD, Post Falls.

Dear Senator Crapo: Thank you so much for the opportunity to offer my views on our energy crisis. I'm 48 years old and grew up on a farm. In fact I can remember buying bulk fuel for 25 cents per gallon. Most of my growing up time gasoline cost between 35 and 50 cents. This is the first time in my life I have ever made decisions based on the cost of fuel! My family spends about \$250 per month on fuel and that is a burden but that is not the major problem. Fuel used in industry and transportation has affected the cost of every area of our lives. I know that India and China get the blame for increased demand but I do not believe that is the only factor. "Green" is most definitely a factor and I cannot believe the "science" behind this movement. Seems they assume that if I do not buy their dogma hook, line, and sinker that I am dooming my children to hell. Please do the correct thing vs the "political thing" concerning green. Next, I would wonder about the sense of using our corn crop to make ethanol rather than to feed people. This may be the biggest reason for my increased cost of food. Lastly, America needs to stand for the right, not the popular. I feel that the USA is acting rudderless because we have forgotten what we are. Please read the Constitution and lets get back to where the Founding Fathers wanted us to be. One Nation Under God . . . not one nation under Gore.

Thank you

MATT.

I had heard from a friend of a friend one time that the INL outside of Idaho Falls produces enough energy to easily run a few cities. And that this energy is simply being pumped into the ground and completely wasted. Because the government cannot legally enter into the competitive energy market, I suppose.

As INL is a secure site and having never been there, I am not positive this information is accurate. But knowing how our government usually works, I would not doubt that it is all true and to the point.

If there is truly energy that can be used at the INL, let's use it! Credit back the INL funds to produce further employment and benefit everyone all around.

ROBERT.

I ride my bike. Gas prices for that are \$0, pollution is minimal, impact to the roads minimal, and most of all, it is great for my health.

MIKE, Boise.

Dear Senator Crapo: I now ride a bicycle to deal with the high cost of gasoline. You may be surprised to know that bicycles are about 97% efficient in converting energy to motion. Of course, there are times of the year when this is not practical (like during the winter), so I would make the following recommendation.

We need more fuel-efficient motor vehicles, and one way to do that would be to pass legislation limiting the maximum weight of new motor vehicles. The automotive industry could make significant improvements in motor vehicle fuel efficiency if they would all move to lower mass designs. For this, they need a level playing field that also resets safety standards to consider a lower maximum vehicle weight. To achieve a lower vehicle weight, industry would have to employ new or alternative materials. It is not just about the engines.

PAUL.

Three of us work for Scentsy Candles in Meridian, which is 26 miles one way. We drive two cars; I get off at 3 pm, and the others get off at 5:30 pm. One car spends 42.00 a week, and the other car spends 48.25 a week. You do the math. When does it stop . . .

DOUGLAS, CHRISTINE AND COLLEEN, Emmett.

The energy prices are outrageous! The only people that it is not affecting are the rich and famous! We are in the process of building a new home . . . and did you know that Idaho does not have any kind of programs that will help a homebuilder with solar panels or windmills. If you are so worried about energy, why not bring some programs that will help people with these kinds of things. In looking at the costs of these things, there is not one program out there that will help the individuals who are barely making it. We would love to go solar and wind, but on top of all the other high costs, there's no way we can afford it. Too bad you aren't as worried as you say you are, or we in Idaho would already have these kinds of programs in effect! All we do is save and help the lazy people who would rather take and take from the government. There are no programs to help the ones that really need it and wouldn't use the system, over and over again.

Just think—if we could afford the extra 10–30k for solar panels and all that is needed to make solar energy, we could be selling power back to Avista! But the rich and famous politicians do not have to worry about their energy bills!

Eight years ago, I made a statement of “when Bush is done with this country, no one will be able to afford gas.” Well, it is almost that time! I sure hit that one right on the money! We need to get our troops out of Iraq, also. If we had all the money that was being spent on a war we can't win (what are we suppose to win anyway?) The government could have already given every citizen in the United States a million dollars to spend any way they wanted to and still have money left! But we have to be killing people and letting our soldiers die, too. When they get injured, we do not do anything for them. How sad is our country, anyway. We shouldn't be fighting with anyone!

DENISE.

I have a small sales company that sells new construction hardware for the residential market. This territory is for Washington, Oregon, and Idaho. The amount of new construction is way off from two years

ago and, coupled with gasoline costing over \$4 a gallon, it becomes almost impossible to service the accounts profitably.

What do we do to counteract the negative forces? We drive 4-cylinder cars that get good mileage, drive less, make more phone calls and hope for improvement in the construction sector.

What do we believe would help the current squeeze by high gasoline prices? Encourage more development of the Bakken Oil Formation which stretches across North Dakota, Montana, and part of Saskatchewan. This oil field has 3.65 billion barrels of light sweet crude according to the USGS and that is not counting reserves. What to do with it? Threaten the oil companies with the possibility of taking away the extra tax credits afforded them unless they expedite refinery capacity (Does not matter how much crude without the refining capacity), and give a very concerted effort to begin major extraction from this large pool of oil. This oil field makes a lot more sense than drilling in ANWR when considering the location and amount of crude available. Nuclear? You bet. With today's technology, it makes extreme sense to use nuclear power. The biggest problem of course is waste disposal. How many billions of taxpayer dollars have been spent on Yucca Mountain? Tell the state of Nevada that the facility is the property of the U.S. government and that it will use it according to the best interests of the U.S. citizens.

Does Joe Citizen think that we have a big problem with energy right now? You bet. Would the above ideas help? I think so. Can it be done? If the U.S. could put a man on the moon almost 40 years ago and that was not under emergency conditions, why not? A lot of people need to sit down in Washington D.C. and say “Hey we have a real problem here, let's fix it”. If NASA can put a man on the moon why can't the whole U.S. fix the energy problem?

Regards,

GARY, Nampa.

Honorable Mike Crapo: Our youth group used to spend our summers enjoying the absolutely fabulous Idaho backcountry. We used to hike, fish, swim in all the scenic Idaho lakes and rivers. Congress has spent a lot of effort to make sure that these pristine areas are set aside for future generations to enjoy. I applaud their efforts to maintain a balance between energy exploration and the ability to witness the beauties of nature. However, due to the continuing increases in fuel costs, those days of exploring these backcountry wonders is quickly becoming only a shadow. Our youth group is no longer able to afford these backcountry trips due to the fuel expense. With a continued increase in gas cost, it will be a wonder if soon anyone will be able to make the excursion.

I would fully support the limited and non-intrusive exploration and exploitation of the vast oil, gas and coal resources our country has been blessed with to maintain the life style that past generations have enjoyed. Open ANWR and our coastlines to these proven reserves. I believe we have the technology to safely capture all the fossil fuel reserves that are within our ability to acquire. It is much better for a good steward like the USA to retrieve these resources in a safer way rather than other countries such as China and India that have been notorious for abandoning sound pollution principles. Nuclear power has a proven track record of safe power production and I would implore the Senate to do everything in their power to open the door to the next generation of even safer nuclear power production and finally opening up the single repository for our spent fuel at Yucca Mountain. Our society will be much better off and our future gen-

erations will then be able to continue to witness marvels of nature as we blend environmental and sane land use policies.

I consider myself a conservationist and have always ridden my bike to work, but removing the wonders of nature from my life due to gas cost is more than I can bear.

JAMES, Boise.

RETIREMENT OF GENERAL MICHAEL MOSELEY

Mr. CONRAD. Mr. President, I would like to take a moment to say a few words about the retirement of GEN T. Michael Moseley.

This morning at Bolling Air Force Base, the Air Force said farewell to its 18th Chief of Staff. Buzz Moseley faced a staggering array of challenges during his tenure: Recapitalizing and modernizing the oldest inventory of aircraft in the history of the Air Force, training and developing young airmen in a tumultuous time, and sustaining ongoing operations in two theatres of war as well as a worldwide fight against al-Qaida. Buzz tackled those significant challenges head-on, and made substantial progress in addressing each of them. The crucial role played by the Air Force in the current fight is often and unfortunately overlooked.

Over the past 12 months, the Air Force has identified some serious lapses in attention to the nuclear mission. There were significant problems, and General Moseley took immediate action to strengthen compliance and discipline, heighten attention to detail and execution, expand inspection and evaluation, and broadly refocus the service on the nuclear mission. He and Secretary Michael Wynne have not received the credit they deserved for their efforts. But even if General Moseley will not be the one to oversee the conclusion of these efforts, there is no doubt that the Air Force will be building on the solid foundations laid by Buzz as it continues to aim for the zero-defect standard the American people are entitled to expect when it comes to nuclear weapons.

The U.S. Air Force has always held its airmen and leaders to the highest standards, and in my view, Buzz Moseley consistently exceeded them throughout more than 36 years of service. He was an outstanding leader for the Air Force, and he should be proud of what he accomplished there. Our country owes him a deep debt of gratitude. It has been an honor to work with him over the years. But more than that, it has been an honor to call him my friend. This great American goes into his retirement with my deepest appreciation. Our fellow citizens should know he is a great patriot who protected our freedoms at great personal sacrifice and with real distinction. GEN Buzz Moseley is among our very best.

STRENGTHENING MEDICARE

• Ms. STABENOW. Mr. President, I wish to share with my colleagues a disturbing report about the challenges

home health professionals are facing while delivering service to our Nation's seniors. Too many home health providers have seen not only declining reimbursement but also increasing fuel costs.

Last week, the New York Times highlighted how these challenges are affecting several Michigan families and home health providers. Sadly, this is a problem facing the entire Nation. The National Association for Home Care & Hospice's, NAHC, Foundation for Hospice and Homecare released a study finding that nurses, therapists, and home care aides who serve chronically ill elderly and disabled patients drive nearly 5 billion miles each year. But escalating gasoline prices threaten their ability to reach their patients, particularly in rural areas. NAHC reported that, in Michigan, home health providers drove over 161 million miles to make nearly 12 million visits to seniors and other patients in need of homebound services.

As a short-term solution, I urge my colleagues to join with me in calling for the Medicare rural home-health add-on, which expired in 2006, to be reinstated. The rural add-on bonus will have a huge impact on the ability of home health providers to serve seniors, particularly in remote, rural locations.

I ask that a copy of the New York Times article be printed in the RECORD. The material follows:

[From the New York Times, July 5, 2008]

AS GAS PRICES SOAR, ELDERLY FACE CUTS IN AID

(By John Leland)

SOUTH HAVEN, MICH.—Early last month, Jeanne Fair, 62, got her first hot meals delivered to her home in this lake town in the sparsely populated southwestern part of the state. Then after two deliveries the meals stopped because gas prices had made the delivery too expensive.

"They called and said I was outside of the delivery area," said Mrs. Fair, who is homebound and has not been able to use her left arm since a stroke in 1997.

Faced with soaring gasoline prices, agencies around the country that provide services to the elderly say they are having to cut back on programs like Meals on Wheels, transportation assistance and home care, especially in rural areas that depend on volunteers who provide their own gas. In a recent survey by the National Association of Area Agencies on Aging, more than half said they had already cut back on programs because of gas costs, and 90 percent said they expected to make cuts in the 2009 fiscal year.

"I've never seen the increase in need at this level," said Robert McFalls, chief executive of the Area Agency on Aging in Palm Beach, Fla., whose office has a waiting list of 1,500 people. Volunteers who deliver meals or drive the elderly to medical appointments have cut back their miles, Mr. McFalls said.

Public agencies of all kinds are struggling with the new math of higher gas prices, lower property and sales tax revenues and increases in the minimum wage. Some communities have cut school bus routes, police patrols, traveling libraries and lawn maintenance. The St. Paul Police Department is encouraging officers to use horses and bikes. A number of state agencies, including those in Utah, are going to four-day workweeks to save energy costs and reduce commuting expenses for their employees.

But older poor people and those who are homebound are doubly squeezed by rising gas

and food prices, because they rely not just on social service agencies, but also on volunteers.

In the survey of agencies, more than 70 percent said it was more difficult to recruit and keep volunteers.

Mrs. Fair, who has limited mobility because of diabetes, lives on \$642 per month in Social Security widow's benefits, and relies on care from her son, who often works odd hours, especially during blueberry season. "He says, 'You belong in a nursing home; I can't take care of you,'" Mrs. Fair said.

The delivered meals allowed her to eat at regular hours, which helped her control her blood sugar levels, she said. Last year she lost her balance during a change in blood sugar and spent a month in a nursing home.

With no meal delivery in her area, Mrs. Fair said her home aide, who comes three times a week, must pick up frozen meals from a center in the next town.

"If my aide can't get the meals, maybe I can get my pastor to pick them up," Mrs. Fair said. "I can't travel even to the drop-off center."

Val J. Halamandaris, president of the National Association for Home Care and Hospice, said that rising fuel prices had become a significant burden for the 7,000 agencies represented by his group, with some forced to close and others compelled to shrink their service areas or reduce face-to-face visits with patients.

A recent survey by the group concluded that home health and hospice workers drove 4.8 billion miles in 2006 to serve 12 million clients. "If we lose these agencies in rural areas, we'll never get them back," Mr. Halamandaris said.

The agencies, which have suffered from Medicare cuts in recent years, are lobbying Congress to account for fuel inflation in reimbursement rates and to reinstate special increases for providers in rural areas, a program that expired in 2006.

In Union, Mich., a town among flat corn and soybean farms near the Indiana border, Bill Harman, 77, relies on a home aide to take care of his wife, Evelyn, who is 85 and has Alzheimer's disease. Mr. Harman has had to use a wheelchair since 2000 because of hip problems.

But the aide, Katie Clark, 26, may have to give up the job. She lives 25 miles away and drives 700 miles a week to provide twice-daily visits, helping Mrs. Harman dress in the morning and get to bed at night, feeding her, doing chores around the house. "And putting up with a grumpy old man," she said jokingly to Mr. Harman. Her weekly income of \$250 is being eaten up by gas expenses, which come to \$100 a week.

"Some weeks I have to borrow money to get here," said Ms. Clark, a single mother of two, adding, "They're just like family to me."

Agencies say they are facing a shortage of home aides, because the jobs have low pay and often require long drives for a few hours of work. "They can't make any money," said Laurence Schmidt, administrator for the Oswego County Office for the Aging, in rural northwest New York. "So they'll get jobs in nursing homes, where they can drive to one place and work a full shift. That is a state-wide problem."

Mr. Harman said that he thought a previous aide might have abused his wife, but that Mrs. Harman was comfortable with Ms. Clark. On a recent afternoon, Mrs. Harman called Ms. Clark "honey"; Ms. Clark, walking Mrs. Harman to the bathroom, kissed her nose. Mrs. Harman said she was going home. Ms. Clark said, "You are home, silly."

For her work, Ms. Clark receives \$9 an hour. If she leaves, Mr. Harman said, he could not care for his wife.

He said that when they married, she raised his five children as if they were her own. When Mrs. Harman started to develop Alz-

heimer's 8 or 10 years ago, he said, "I promised her, 'Don't worry, I'll take care of you as long as I can.'"

Without an aide, he said, he would have to put his wife in a nursing home, and probably need to live in one himself.

For many isolated older people, home delivery of meals provides not just nutrition but also regular contact with the outside world, said Elaine Eubank, president of CareLink, a nonprofit agency that serves elderly people in six counties in Arkansas, delivering 480,181 meals to 18,000 people last year. Because of gas prices, Ms. Eubank said, one center in Monroe County had closed its kitchen, and others were delivering frozen meals two days a week.

Mary Margaret Cox, executive director of Meals on Wheels in Greeley, Colo., which serves meals to 300 people a day, said that her agency was trying to avoid shifting to frozen meals, but that it was getting hard to recruit students and teachers who volunteer during the summer.

"Most don't have anyone else checking up on them daily," Mrs. Cox said of her clients. "If we do more frozen meals, they'll lose that daily contact."

Many agencies said their revenues—which come from state, federal and private sources—were not keeping up with their increased expenses. "We've had one increase from Medicaid in 11 years," Ms. Eubank said. "But home care and Meals on Wheels keep people at home for a fraction of the cost of a nursing home. The state pays for care once they're in a nursing home. So our cuts may cost more than they save."

Sandra Prediger, 70, who still drives a car, said higher gas prices hit her every time she needed to go to the doctor. From her senior apartment in South Haven, she was barely able to pay her bills before gas prices rose.

"I try to help some of the ladies around here, driving them to doctors or to the store," Miss Prediger said, but a round trip to her doctor or the beauty shop now costs \$26 in gas. She has had to ask her friends to pay half. "I hate to ask," she said, "because they have less than me."

Her Social Security check arrives on the third of the month. For the few days before, her local gas station lets her write a postdated check to fill up.

On July 2, Miss Prediger had no money and owed money to the gas station. "In a few minutes," she said, "my friend Shirley will probably call and say, 'Can you take me to Wal-Mart to get needles for my diabetes?' What else can I do?"

Barbara Blumka, 67, of Buchanan, Mich., said she would continue delivering 15 or 16 meals a week though she could not afford it. She is driving a Dodge Caravan, a "gas guzzler," she said.

"I see these people's faces," said Ms. Blumka, who gets her meals at a senior center. "They're so appreciative. I think of all the people who took care of my mother in the nursing home. This is my way of giving thanks."

Christine Vanlandingham, development officer for the three-county Area Agency on Aging, said that in three to six months, the agency would have to start cutting meal deliveries to clients who get them now.

But Ms. Blumka will continue to help the homebound. Her nieces and nephews were buying her an adult tricycle for other travels. "It's neon blue," she said. "I'll ride it to the senior center." ●

ADDITIONAL STATEMENTS

HONORING ST. STEPHEN'S COMMUNITY HOUSE

● Mr. BROWN. Mr. President, today I honor the efforts of St. Stephen's Community House to designate July 10, 2008, Summer Learning Day.

Located in Columbus, OH, St. Stephen's Community House has worked tirelessly to increase awareness of the importance of summer learning programs. Summer breaks in schooling can lead to significant academic loss, particularly among students in low-income areas. The efforts of St. Stephen's Community House to partner with the Ohio Department of Education and other community organizations help ensure that children all across Ohio have access to high quality summer enrichment programs. Its work provides students with meaningful summer activity and helps reduce the growing achievement gap in education.

In addition, St. Stephen's Community House has demonstrated its commitment to the community through its work with the Children's Hunger Alliance and Major League Soccer. Almost half of Ohioans living in poverty are under 24 years old, yet only 57,000 out of 500,000 eligible children participate in Ohio's Summer Food Service program. Working together, these organizations are expanding summer feeding programs and ensuring that all Ohio children have access to nutrition throughout the summer months.

The dedication of the staff and volunteers of St. Stephen's Community House to the needs of some of the most vulnerable members of our communities serves as an inspiration to us all. I hope my colleagues will join me in wishing them the best of luck in their future endeavors.●

IDAHO STUDENTS WIN FUEL CELL CAR COMPETITION

● Mr. CRAPO. Mr. President, on June 20, five Treasure Valley Math and Science Center, TVMSC, students won first place overall in the Hydrogen Fuel Cell Model Car Challenge, an alternative energy model competition held in conjunction with National Science Bowl. The team, consisting of Alex Baca, Andrew Hoth, Kevin Brown and Eddie Smith, and alternate Paul Schroeder, also took fifth place honors in the National Science Bowl. The competition challenged students to design, build and race fuel cell model cars. The three components on which students were judged were the design document, a presentation of the use of hydrogen in transportation, and the race itself. The team was coached by Mark Anderson, physics teacher at TVMSC, Tony Baca of Hewlett Packard, and Barbara Jorden, legislative director for the Idaho Trial Lawyers Association. The team qualified for Nationals after sweeping the regional competition with eight trophies, four of which were for first place.

Alex, Kevin, Andrew, Paul and Eddie are all highly accomplished students, even as seventh and eighth-graders. Their interests range from the science disciplines of geography, earth science, chemistry, math, biology and computer science to liberal arts disciplines such

as history and English. Their hobbies range from reading, painting, playing music and video and board games to drama, making scale models and playing air soft. The boys also participate in sports including football, soccer and tennis. The breadth of their interests and involvement will prepare them well for success in high school, college and the future careers of their choosing.

The Department of Energy, DOE, created the National Science Bowl competition in 1991 to help promote math and science education in high school and highlight the successes of students who excel in these fields. In 2002, DOE expanded the competition to middle school students.

Idaho can be proud of these exemplary students and their coaches for outstanding performance in the National Science Bowl and Hydrogen Fuel Cell Model Car Challenge. Idaho's strong heritage of math, science and engineering continues in our young people, keeping our State's student academic standards high and helping prepare Idaho youth for rewarding careers in these fields.●

HONORING THE MANSFIELD, OHIO, GARDEN CLUB

● Mr. BROWN. Mr. President, today I commemorate the 80th anniversary of the Mansfield Garden Club.

Since its founding in 1928, the Garden Club has worked diligently to serve the Mansfield community. During World War II, members demonstrated their civic commitment by raising Victory Gardens and replacing their flowers with fruits and vegetables, thereby reducing pressure on the public food supply and boosting community morale. The club's continued work on community improvements over the years has been recognized with numerous awards recognizing their commitment to the community. Today, the club's efforts have provided floral plantings at the Mansfield Lahm Airport, landscaping at the Mansfield General Hospital, and a large circular garden in the city's central park.

For more than eight decades, the Mansfield Garden Club's members have demonstrated profound dedication to culture and community and have served as an inspiration to us all. I hope my colleagues will join me in wishing them the best of luck in their future endeavors.●

HONORING CEECEE LYLES

● Mr. MARTINEZ. Mr. President, on September 11, 2001, thousands of Americans tragically lost their lives, but the legacies of their lives endure. One of those individuals was CeeCee Lyles, a flight attendant who perished in Pennsylvania on United Airlines Flight 93.

CeeCee was a loving mother, a dedicated wife, and determined individual who spent her life fulfilling dreams. CeeCee was born and raised in Fort

Pierce, FL, where she attended Fort Pierce Westwood High School. She raised two sons on her own while working for 6 years as a Fort Pierce police officer. As a police officer, CeeCee earned the reputation of being a tough crime fighter. In 2000, she married Lorne Lyles and the family relocated to Fort Myers. In the face of financial hardships, CeeCee held two jobs, one at a local hospital and the other at a powerplant to help care for her sons. In her spare time, CeeCee volunteered at Restoration House, a Christian women's shelter in Fort Pierce.

Eventually, CeeCee walked away from police work to pursue her lifelong dream of becoming a flight attendant. She was part of the flight crew that helped to overpower the terrorists responsible for hijacking Flight 93 and successfully kept them from reaching their intended target. On the day she died, she left little doubt that she loved her husband and children. From the plane, she told her husband in a voicemail: "I want to tell you that I love you. I love you. Please tell my children that I love them very much."

In honor of CeeCee's heroism, courage, and dedication to serving others, the city of Fort Pierce has already commissioned a sculpture of her for permanent remembrance. As Senator of the State she called home, it would give me great pleasure to recognize Ms. CeeCee Lyles by placing her name on a community facility so others will remember the great American she became during her brief but full life. I call upon my colleagues to join me in honoring a truly great Floridian and exemplary American by renaming the post office at 1717 Orange Avenue in Fort Pierce the CeeCee Ross Lyles Post Office.●

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

S. 3236. A bill to amend titles XVIII and XIX of the Social Security Act to extend provisions under Medicare and Medicaid programs, and for other purposes.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

S. 3257. A bill to extend immigration programs to promote legal immigration and for other purposes.

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-7090. A communication from the Director, Office of Energy Policy and New Uses, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Designation of Biobased Items for Federal Procurement" (RIN0503-AA32) received on

July 10, 2008; to the Committee on Agriculture, Nutrition, and Forestry.

EC-7091. A communication from the Secretary, Department of Agriculture, transmitting proposed legislation intended to amend the Agricultural Marketing Act of 1946 to require the Department to collect and retain user fees for enforcement activities related to mandatory country of origin labeling; to the Committee on Agriculture, Nutrition, and Forestry.

EC-7092. A communication from the Secretary of the Army, transmitting, pursuant to law, notification that the Average Procurement Unit Cost and Program Acquisition Cost metrics for the Armed Reconnaissance Helicopter program have exceeded the 25 percent critical cost growth threshold; to the Committee on Armed Services.

EC-7093. A communication from the Secretary of Defense, transmitting a report on the approved retirement of Major General James R. Helmly, United States Army Reserve, and his placement on the retired list in the grade of lieutenant general; to the Committee on Armed Services.

EC-7094. A communication from the Director, Defense Procurement, Acquisition Policy, and Strategic Sourcing, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Export-Controlled Items" (DFARS Case 2004-D010) received on July 10, 2008; to the Committee on Armed Services.

EC-7095. A communication from the President and Chief Executive Officer, Federal Home Loan Bank of Pittsburgh, transmitting, pursuant to law, a report on the Bank's system of internal controls for fiscal year 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC-7096. A communication from the Director, Office of Legislative Affairs, Federal Deposit Insurance Corporation, transmitting, pursuant to law, the report of a rule entitled "Financial Education Programs That Include the Provision of Bank Products and Services" (RIN3064-AD28) received on July 10, 2008; to the Committee on Banking, Housing, and Urban Affairs.

EC-7097. A communication from the Senior Vice President and Chief Accounting Officer, Federal Home Loan Bank of Dallas, transmitting, pursuant to law, the Bank's management report for fiscal year 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC-7098. A communication from the President and Chief Executive Officer, Federal Home Loan Bank of Indianapolis, transmitting, pursuant to law, a report on the Bank's system of internal controls for fiscal year 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC-7099. A communication from the President and Chief Executive Officer, Federal Home Loan Bank of Topeka, transmitting, pursuant to law, a report on the Bank's system of internal controls for fiscal year 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC-7100. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency that was declared in Executive Order 13348 relative to the former Liberian regime of Charles Taylor; to the Committee on Banking, Housing, and Urban Affairs.

EC-7101. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Trawl Catcher Processors in the Amendment 80 Limited Access Fishery in the Bering Sea and Aleutian Islands Management Area" (RIN0648-XI69)

received on July 10, 2008; to the Committee on Commerce, Science, and Transportation.

EC-7102. A communication from the Chief of Regulations and Administrative Law, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone Regulations (including 4 regulations beginning with USCG-2008-0341)" (RIN1625-AA00) received on July 10, 2008; to the Committee on Commerce, Science, and Transportation.

EC-7103. A communication from the Chief of Regulations and Administrative Law, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Security Zone; Liquefied Natural Gas Carriers, Massachusetts Bay, Massachusetts" ((RIN1625-AA87)(USCG-2008-0301)) received on July 10, 2008; to the Committee on Commerce, Science, and Transportation.

EC-7104. A communication from the Chief of Regulations and Administrative Law, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Operation Regulations; Mill Neck Creek, Oyster Bay, NY" ((RIN1625-AA09)(USCG-2008-0010)) received on July 10, 2008; to the Committee on Commerce, Science, and Transportation.

EC-7105. A communication from the Chief of Regulations and Administrative Law, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Implementation of Vessel Security Officer Training and Certification Requirements—International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978, as amended" ((RIN1625-AB26)(USCG-2008-0028)) received on July 10, 2008; to the Committee on Commerce, Science, and Transportation.

EC-7106. A communication from the Chief of Regulations and Administrative Law, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Regulated Navigation Areas, Safety Zones, Security Zones, and Deepwater Port Facilities; Navigable Waters of the Boston Captain of the Port Zone" ((RIN1625-AA00)(RIN1625-AA11)(RIN1625-AA87)) received on July 10, 2008; to the Committee on Commerce, Science, and Transportation.

EC-7107. A communication from the Chief of Regulations and Administrative Law, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Shipping; Technical, Organizational, and Conforming Amendments" ((RIN1625-ZA18)(USCG-2008-0394)) received on July 10, 2008; to the Committee on Commerce, Science, and Transportation.

EC-7108. A communication from the Chief of Regulations and Administrative Law, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Navigation and Navigable Waters; Technical, Organizational, and Conforming Amendments" ((RIN1625-ZA16)(USCG-2008-0179)) received on July 10, 2008; to the Committee on Commerce, Science, and Transportation.

EC-7109. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Turbomeca Makila 1A and 1A1 Turboshaft Engines" ((RIN2120-AA64)(Docket No. 2001-NE-23)) received on July 10, 2008; to the Committee on Commerce, Science, and Transportation.

EC-7110. A communication from the Secretary, Federal Trade Commission, transmitting, pursuant to law, an annual report for fiscal year 2007 relative to implementation of the National Do Not Call Registry; to the

Committee on Commerce, Science, and Transportation.

EC-7111. A communication from the Assistant Secretary of the Army (Civil Works), transmitting, pursuant to law, an annual report relative to projects that have been authorized, but for which no funds have been appropriated for planning, design or construction during the preceding five full fiscal years; to the Committee on Environment and Public Works.

EC-7112. 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; Illinois" (FRL No. 8578-5) received on July 10, 2008; to the Committee on Environment and Public Works.

EC-7113. 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; Maryland; Amendments to the Control of Volatile Organic Compound Emissions from Portable Fuel Containers" (FRL No. 8691-6) received on July 10, 2008; to the Committee on Environment and Public Works.

EC-7114. 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; Wyoming; Revisions to New Source Review Rules" (FRL No. 8692-1) received on July 10, 2008; to the Committee on Environment and Public Works.

EC-7115. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; Reasonably Available Control Technology for Oxides of Nitrogen for a Specific Source in the State of New Jersey" (FRL No. 8576-6) received on July 10, 2008; to the Committee on Environment and Public Works.

EC-7116. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Bacillus Thuringiensis Cry 1A.105 Protein; Exemption from the Requirement of a Tolerance" (FRL No. 8369-3) received on July 10, 2008; to the Committee on Environment and Public Works.

EC-7117. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "National Perchloroethylene Air Emission Standards for Dry Cleaning Facilities" (FRL No. 8691-2) received on July 10, 2008; to the Committee on Environment and Public Works.

EC-7118. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Revisions to the California State Implementation Plan, Mojave Desert Air Quality Management District and Ventura County Air Pollution Control District" (FRL No. 8580-3) received on July 10, 2008; to the Committee on Environment and Public Works.

EC-7119. A communication from the Secretary of Commerce, transmitting, pursuant to law, an annual report relative to the activities of the Economic Development Administration for fiscal year 2007; to the Committee on Environment and Public Works.

EC-7120. A communication from the Chairman, Medicare Payment Advisory Commission, transmitting, pursuant to law, a report entitled, "Report to the Congress: Reforming

the Delivery System"; to the Committee on Finance.

EC-7121. 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 "Update of Weighted Average Interest Rates, Yield Curves, and Segment Rates" (Notice 2008-65) received on July 9, 2008; to the Committee on Finance.

EC-7122. 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 "Change to Office to Which Notices of Nonjudicial Sale and Request for Return of Wrongfully Levied Property Must be Sent" (RIN1545-BF54)(TD 9410) received on July 9, 2008; to the Committee on Finance.

EC-7123. 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 "Coordinated Issue: Supplemental Environmental Projects" (LMSB-04-0608-036) received on July 10, 2008; to the Committee on Finance.

EC-7124. 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 "Escrow Accounts, Trusts, and Other Funds Used During Deferred Exchanges of Like-Kind Property" (TD 9413) received on July 9, 2008; to the Committee on Finance.

EC-7125. A communication from the Acting Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, a certification of the proposed transfer of the Baseline Phase 1R Aegis combat system equipment to several companies; to the Committee on Foreign Relations.

EC-7126. A communication from the Acting Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a proposed manufacturing license agreement for the export of defense articles to Taiwan for the development of the 721S VHF and UHF receiver-transmitter radio and an equipment cabinet; to the Committee on Foreign Relations.

EC-7127. A communication from the Acting Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of an application for a license for the transfer of defense articles to South Africa in support of the manufacture of the RG-33 Family of Military Vehicles; to the Committee on Foreign Relations.

EC-7128. A communication from the Secretary of Labor, transmitting, pursuant to law, the Office of Inspector General's Semi-annual Report for the period of October 1, 2007, through March 31, 2008; to the Committee on Health, Education, Labor, and Pensions.

EC-7129. A communication from the Assistant General Counsel for Regulatory Services, Department of Education, transmitting, pursuant to law, the report of a rule entitled "National Institute on Disability and Rehabilitation Research Projects and Centers Program—Disability and Rehabilitation Research Projects and Rehabilitation Research and Training Centers—Final Priorities" received on July 10, 2008; to the Committee on Health, Education, Labor, and Pensions.

EC-7130. A communication from the Assistant General Counsel for Regulatory Services, Department of Education, transmitting, pursuant to law, the report of a rule entitled "National Institute on Disability and Rehabilitation Research Projects and Centers

Program—Rehabilitation Research and Training Centers—Final Priorities" received on July 10, 2008; to the Committee on Health, Education, Labor, and Pensions.

EC-7131. A communication from the Secretary, Department of Health and Human Services, transmitting, pursuant to law, a report on the Community Services Block Grant Statistical Report and Report on Performance Outcomes for Fiscal Year 2005; to the Committee on Health, Education, Labor, and Pensions.

EC-7132. A communication from the Director, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled "Prevailing Rate Systems: Definition of the New Orleans, Louisiana, Appropriated Fund Federal Wage System Wage Area" (RIN3206-AL68) received on July 10, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC-7133. A communication from the Officer for Civil Rights and Civil Liberties, Department of Homeland Security, transmitting, pursuant to law, a report relative to the implementation of the recommendations of the 9/11 Commission for the period from October 1, 2007, to December 31, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC-7134. A communication from the Program Manager, Information Sharing Environment, Office of the Director of National Intelligence, transmitting, pursuant to law, a report entitled, "Annual Report to the Congress on the Information Sharing Environment"; to the Select Committee on Intelligence.

EC-7135. A communication from the Deputy White House Liaison, Department of Justice, transmitting, pursuant to law, the report of a vacancy in the position of U.S. Attorney for the Northern District of Florida, received on July 10, 2008; to the Committee on the Judiciary.

EC-7136. A communication from the Board of Trustees, National Tropical Botanical Garden, transmitting, pursuant to law, the Annual Audit Report for calendar year 2007; to the Committee on the Judiciary.

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. HATCH (for himself and Mrs. LINCOLN):

S. 3254. A bill to amend the Internal Revenue Code of 1986 to allow banks to be taxed as limited liability companies, and for other purposes; to the Committee on Finance.

By Mr. LEVIN (for himself and Mrs. FEINSTEIN):

S. 3255. A bill to amend the Commodity Exchange Act to provide for the oversight of large trades of over-the-counter energy and agricultural contracts to prevent price manipulation and excessive speculation, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. REID (for Mrs. BOXER):

S. 3256. A bill to provide a supplemental funding source for catastrophic emergency wildland fire suppression activities on Department of the Interior and National Forest System lands, to require the Secretary of the Interior and the Secretary of Agriculture to develop a cohesive wildland fire management strategy, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. SPECTER (for himself and Mr. HAGEL):

S. 3257. A bill to extend immigration programs to promote legal immigration and for other purposes; read the first time.

ADDITIONAL COSPONSORS

S. 439

At the request of Mr. REID, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 439, a bill to amend title 10, United States Code, to permit certain retired members of the uniformed services who have a service-connected disability to receive both disability compensation from the Department of Veterans Affairs for their disability and either retired pay by reason of their years of military service or Combat-Related Special Compensation.

S. 450

At the request of Mr. ENSIGN, the name of the Senator from Montana (Mr. TESTER) 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. 604

At the request of Mr. LAUTENBERG, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 604, a bill to amend title 10, United States Code, to limit increases in the certain costs of health care services under the health care programs of the Department of Defense, and for other purposes.

S. 803

At the request of Mr. ROCKEFELLER, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of S. 803, a bill to repeal a provision enacted to end Federal matching of State spending of child support incentive payments.

S. 1183

At the request of Mr. HARKIN, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 1183, a bill to enhance and further research into paralysis and to improve rehabilitation and the quality of life for persons living with paralysis and other physical disabilities, and for other purposes.

S. 1287

At the request of Mr. SMITH, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 1287, a bill to amend the Internal Revenue Code of 1986 to allow an offset against income tax refunds to pay for State judicial debts that are past-due.

S. 1932

At the request of Mr. BAYH, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 1932, a bill to amend the Small Business Act to increase SBIR and STTR program expenditures.

S. 2182

At the request of Mr. REED, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 2182, a bill to amend the Public Health Service Act with respect to mental health services.

S. 2369

At the request of Mr. BAUCUS, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 2369, a bill to amend title

35, United States Code, to provide that certain tax planning inventions are not patentable, and for other purposes.

S. 2453

At the request of Mr. ALEXANDER, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 2453, a bill to amend title VII of the Civil Rights Act of 1964 to clarify requirements relating to nondiscrimination on the basis of national origin.

S. 2668

At the request of Mr. KERRY, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 2668, a bill to amend the Internal Revenue Code of 1986 to remove cell phones from listed property under section 280F.

S. 2704

At the request of Mrs. LINCOLN, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 2704, a bill to amend title XVIII of the Social Security Act to provide for Medicare coverage of services of qualified respiratory therapists performed under the general supervision of a physician.

S. 2767

At the request of Mr. DODD, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 2767, a bill to provide for judicial discretion regarding suspensions of student eligibility under section 484(r) of the Higher Education Act of 1965.

S. 2875

At the request of Mr. TESTER, the name of the Senator from Idaho (Mr. CRAIG) was added as a cosponsor of S. 2875, a bill to authorize the Secretary of the Interior to provide grants to designated States and tribes to carry out programs to reduce the risk of livestock loss due to predation by gray wolves and other predator species or to compensate landowners for livestock loss due to predation.

S. 2883

At the request of Mr. ROCKEFELLER, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 2883, a bill to require the Secretary of the Treasury to mint coins in commemoration of the centennial of the establishment of Mother's Day.

S. 2908

At the request of Mr. BROWN, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 2908, a bill to amend title II of the Social Security Act to prohibit the display of Social Security account numbers on Medicare cards.

S. 2916

At the request of Mrs. CLINTON, the name of the Senator from Michigan (Ms. STABENOW) was withdrawn as a cosponsor of S. 2916, a bill to ensure greater transparency in the Federal contracting process, and to help prevent contractors that violate criminal laws from obtaining Federal contracts.

S. 3232

At the request of Mrs. MURRAY, the names of the Senator from Utah (Mr.

HATCH) and the Senator from Nebraska (Mr. HAGEL) were added as cosponsors of S. 3232, a bill to amend the Public Health Service Act to reauthorize the poison center national toll-free number, national media campaign, and grant program to provide assistance for poison prevention, sustain the funding of poison centers, and enhance the public health of people of the United States.

S. 3038

At the request of Mr. GRASSLEY, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 3038, a bill to amend part E of title IV of the Social Security Act to extend the adoption incentives program, to authorize States to establish a relative guardianship program, to promote the adoption of children with special needs, and for other purposes.

S. 3093

At the request of Mr. GRASSLEY, the name of the Senator from Nevada (Mr. ENSIGN) was added as a cosponsor of S. 3093, a bill to extend and improve the effectiveness of the employment eligibility confirmation program.

S. 3125

At the request of Mr. BAUCUS, the names of the Senator from New York (Mr. SCHUMER), the Senator from West Virginia (Mr. ROCKEFELLER), the Senator from Washington (Ms. CANTWELL), the Senator from Colorado (Mr. SALAZAR), the Senator from Michigan (Ms. STABENOW), the Senator from Oregon (Mr. WYDEN), the Senator from New Jersey (Mr. MENENDEZ) and the Senator from Maryland (Mr. CARDIN) were added as cosponsors of S. 3125, a bill to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes.

S. 3127

At the request of Mr. BURR, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 3127, a bill to reauthorize the Select Agent Program by amending the Public Health Service Act and the Agricultural Bioterrorism Protection Act of 2002 and to improve oversight of high containment laboratories.

S. 3150

At the request of Mr. SCHUMER, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 3150, a bill to prohibit the Secretary of Transportation or the Administrator of Federal Aviation Administration from conducting auctions, implementing congestion pricing, limiting airport operations, or charging certain use fees at airports.

S. 3209

At the request of Mrs. HUTCHISON, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 3209, a bill to amend title VII of the Civil Rights Act of 1964 to clarify the filing period applicable to charges of discrimination, and for other purposes.

S. 3223

At the request of Mr. KERRY, the names of the Senator from South Da-

kota (Mr. JOHNSON), the Senator from Washington (Ms. CANTWELL) and the Senator from Rhode Island (Mr. WHITEHOUSE) were added as cosponsors of S. 3223, a bill to establish a small business energy emergency disaster loan program.

S. 3238

At the request of Mr. THUNE, his name was added as a cosponsor of S. 3238, a bill to prohibit the importation of ruminants and swine, and fresh and frozen meat and products of ruminants and swine, from Argentina until the Secretary of Agriculture certifies to Congress that every region of Argentina is free of foot and mouth disease without vaccination.

S.J. RES. 43

At the request of Mr. WICKER, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S.J. Res. 43, a joint resolution proposing an amendment to the Constitution of the United States relating to marriage.

S. RES. 598

At the request of Mr. BIDEN, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. Res. 598, a resolution expressing the sense of the Senate regarding the need for the United States to lead renewed international efforts to assist developing nations in conserving natural resources and preventing the impending extinction of a large portion of the world's plant and animal species.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HATCH (for himself and Mrs. LINCOLN):

S. 3254. A bill to amend the Internal Revenue Code of 1986 to allow banks to be taxed as limited liability companies, and for other purposes; to the Committee on Finance.

Mr. HATCH. Mr. President, on behalf of myself and my dear friend and colleague, Senator LINCOLN, I rise today to introduce the Small Bank Tax Equity Act.

One of the many important duties of Congress is to ensure that the various laws that govern commerce in this Nation are working as efficiently as possible. This can be a significant challenge because of the rate of change and innovation occurring in our world today. Nevertheless, we need to be aware that changing circumstances can lead to obsolescence in our laws, which can have a limiting effect on economic growth and on our ability to compete in an ever-more challenging marketplace.

This is as true of our tax laws as it is with any other laws. We often speak of the many problems of the Internal Revenue Code, and most of them have to do with complexity and perceived unfairness. However, I believe that the issue of outdated or obsolete provisions that no longer reflect the realities of our changing world is also an obstacle that deserves our attention.

This is why I am pleased today to be introducing legislation that would reverse an outdated administrative rule and allow banks the flexibility to be structured in a much more tax-efficient manner. Under our bill, the Small Bank Tax Equity Act, banks that are organized as limited liability companies would be able to elect to be taxed on a flowthrough basis. Under this treatment, the bank's shareholders would be taxed each year on the bank's income, but the bank would not also be subject to a second layer of tax on that same income at the entity level.

A little history is in order here. Treasury Department regulations have long allowed limited liability companies to be classified for tax purposes as flowthrough entities. Under this classification, the company's owners are subject to tax on the company's income on a flow-through basis. This allows the very significant advantage of not being subject to the double taxation characteristic of corporations, as all banks are currently taxed.

Those same Treasury Department regulations specifically deny banks that are organized as limited liability companies the benefit of flow-through tax treatment, even though this favorable treatment is available to other types of businesses. While banks can organize as limited liability companies, for tax purposes, they are taxed as corporations.

It is important to note that at the time the Treasury Department issued these regulations, banking laws actually required all banks to be organized in the corporate form under state law in order to obtain federal deposit insurance. In fact, this requirement was cited in the regulations as the reason for the denial of flow-through tax treatment to banks that have federal deposit insurance.

However, this aspect of the banking laws has been changed. In 2003, the Federal Deposit Insurance Corporation FDIC, issued regulations permitting banks to be organized as limited liability companies and to qualify for federal deposit insurance.

Following this FDIC action, it was expected that the Treasury Department would likewise change its regulations to allow banks organized as LLCs to enjoy flowthrough tax treatment. However, despite the urging of several Members of Congress, including myself, Treasury has declined to make this change administratively. The continued denial of flow-through tax treatment of bank limited liability companies is, in my view, unjustified and anti-competitive. Moreover, it fails to bring the law up to date with current business practices.

In 1996, Congress amended the Subchapter S corporation rules, which provide flow-through tax treatment, to allow banks to be organized as S corporations. This change reflected Congress's belief that the S corporation election should be allowed for banks, just as it is allowed for other

businesses meeting the qualifications for this important tax regime.

The legislation we are introducing today is based on exactly the same belief. The flow-through treatment that would be made available under the bill will give America's smaller banks, including the community banks on which we depend to provide funding to allow small businesses to expand and thrive, another option for organizing in the most efficient manner.

The changes we made in 1996 to Subchapter S to allow banks to elect flowthrough tax treatment was very well received by the banking community, and today there are thousands of S corporation banks throughout America. The Small Bank Tax Equity Act will mean that banks would be able to choose the limited liability company structure, which allows even greater flexibility in raising capital than does the S corporation form of entity. I expect that the election for flow-through tax treatment for LLCs allowed under this bill to be as well received as the election for S corporation status has been and that many smaller banks, especially newly-established ones, will avail themselves of this opportunity.

My home State of Utah in 2004 enacted laws allowing banks to be organized as limited liability companies. In light of the 2003 FDIC rule change that allowed LLC banks to qualify for federal deposit insurance, Utah enacted this legislation in order to facilitate the most efficient and flexible structure for small banks. Other states have passed, or are considering, similar laws. Many others would likely follow suit if the tax rules paralleled the deposit insurance treatment. However, the goals of these states in passing these laws will not be realized until the tax law is also updated to provide flowthrough tax treatment for banks that choose to operate in this form.

The following is a brief technical description of the Small Bank Tax Equity Act.

The Small Bank Tax Equity Act would provide qualifying banks with an election to be classified for tax purposes as a partnership or to be disregarded as a separate entity, in the case of a bank with only a single owner neglecting this classification would provide flow-through tax treatment to the electing bank. Under the bill, the election is available to State-chartered business entities that conduct banking activities, that have federal deposit insurance, and that are organized as limited liability companies. These are the banks that are excluded from flow-through treatment under the existing Treasury regulations that were written based on pre-2003 FDIC rules.

If a bank makes the election allowed under the Small Business Tax Equity Act before the end of a two taxable year transition period following enactment, the election would not subject the bank to immediate tax on any appreciation in its assets. Instead, the electing bank would be subject to spe-

cial rules with respect to the taxation of gains and losses that are recognized during the ten-year period following the election. These special rules mirror the special rules that apply when an entity elects to convert to S corporation status.

These special rules would not apply, however, to an electing bank that had begun conducting banking activities after February 12, 2003, the date of the FDIC action allowing State-chartered banks organized as limited liability companies to obtain federal deposit insurance. These banks acted with the expectation that flow-through tax treatment would be available and should not be penalized for the delay in being able to obtain that treatment. Thus, under the Small Bank Tax Equity Act, making the election for flow-through treatment will not trigger any special tax consequences with respect to inherent gains or losses for these banks.

Small businesses are the backbone of the American economy. They are responsible for creating the most jobs in this Nation, particularly during economic slowdowns, such as we are experiencing now. Smaller banks are important for at least two reasons. They are small businesses themselves, and they serve other small businesses and provide them with the capital they need to grow and create jobs.

It is our duty to ensure that America's small businesses operate as efficiently as possible. This means that our tax laws need to be friendly and offer flexibility, rather than hidebound and obsolete, in order to encourage the kind of growth of which our small business sector is capable. This bill would take a very significant step in that direction, and I encourage our colleagues to support this legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be placed in the RECORD, as follows:

S. 3254

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

SECTION 1. ELECTION FOR CERTAIN BANKING ENTITIES TO BE TAXED AS LIMITED LIABILITY COMPANIES.

(a) IN GENERAL.—Section 7701 of the Internal Revenue Code is amended by redesignating subsection (p) as subsection (q) and by inserting after subsection (o) the following new subsection:

“(p) CLASSIFICATION ELECTION FOR CERTAIN BANKING ENTITIES.—

“(1) IN GENERAL.—For purposes of this title, an entity described in paragraph (2) may elect to be treated as a partnership or, if the entity has a single owner, to be disregarded as an entity separate from the owner.

“(2) ENTITY DESCRIBED.—An entity is described in this paragraph if—

“(A) it is a State-chartered business entity conducting banking activities,

“(B) any of its deposits are insured under the Federal Deposit Insurance Act (12 U.S.C. 1811 et seq.) or a similar Federal law, and

“(C) it is organized as a limited liability company under the laws of a State.

“(3) TREATMENT OF ENTITY.—An entity that makes an election under paragraph (1) shall not be considered a bank as defined in section 581.

“(4) TRANSITIONAL RULE.—

“(A) IN GENERAL.—In the case of an entity that makes an election under paragraph (1) before the beginning of the third taxable year beginning after the date of the enactment of this subsection—

“(i) no gain or loss shall be recognized to the entity or its owners by reason of such election, and

“(ii) rules similar to the rules of section 1374 shall apply to the entity.

“(B) EXCEPTION.—Subparagraph (A)(ii) shall not apply to an entity that began conducting banking activities after February 12, 2003.”.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to elections made after the date of the enactment of this Act with respect to taxable years ending on or after December 31, 2007.

By Mr. LEVIN (for himself and Mrs. FEINSTEIN):

S. 3255. A bill to amend the Commodity Exchange Act to provide for the oversight of large trades of over-the-counter energy and agricultural contracts to prevent price manipulation and excessive speculation, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. LEVIN. Mr. President, today I am introducing, along with Senator FEINSTEIN, the Over-the-Counter Speculation Act. This legislation will provide the Commodity Futures Trading Commission, CFTC, with the ability to detect and prevent price manipulation and excessive speculation. In the currently unregulated over-the-counter commodity markets, this legislation will close a major loophole in our commodities laws that prevents the CFTC from conducting oversight in certain enforcement activities and obtaining information about trading in the unregulated over-the-counter market. It will ensure that large energy and other commodity traders cannot use the over-the-counter market to hide from the CFTC, escape reporting requirements, or avoid CFTC enforcement authorities to require traders to reduce their holdings of futures contracts in order to prevent manipulation or excessive speculation.

This legislation is based on the work of the Permanent Subcommittee on Investigations, which I chair, regarding effect of speculation on rising energy prices. In 2006, the PSI study, called “The Role of Market Speculation in Rising Oil and Gas Prices: A Need to Put the Cop Back on the Beat,” found the following:

First, over the past few years, speculators have dramatically increased their activities in U.S. energy commodity markets. Second, speculation has contributed to rising U.S. energy prices.

The 2006 report estimated that this increased speculation, particularly through commodity index funds, had contributed about \$20 to the price of a barrel of oil which was then about \$70, or roughly 25 to 30 percent of the price.

The 2006 PSI report also found that CFTC access to daily reports of large trades of energy commodities is essential to its ability to detect and deter price manipulation. It recommended that Congress require reports of large trades on over-the-counter electronic exchanges. The 2006 report also recommended that Congress eliminate the Enron loophole to put the cop back on the beat in the over-the-counter electronic markets. Since the 2006 PSI report, the amount of speculation has increased significantly and so have energy prices. In 2006, there was about \$60 billion invested in commodity index funds. Today there is over \$200 billion. Since 2000, there has been nearly a 1200-percent increase in the amount of speculative trading compared to only a 200-percent increase in the commercial trading world. Even this understates the increase in speculation, since the CFTC data classifies futures trading involving index funds as commercial trading rather than speculation. A large amount of speculative trading is taking place in the unregulated over-the-counter market. Many market experts believe this huge increase in speculation in recent years has boosted oil prices.

Last fall, as oil prices were nearing \$100 a barrel—\$40 a barrel lower than they are today—the president and CEO of Marathon Oil said:

\$100 oil isn't justified by the physical demand in the market. It has to be speculation on the futures market that is fueling this.

Mr. Fadel Gheit, an oil analyst for Oppenheimer and Company, describes the oil market as “a farce.”

The speculators have seized control and it's basically a free-for-all, a global gambling hall, and it won't shut down unless and until responsible governments step in.

In January of this year, as oil hit \$100 a barrel, Tim Evans, oil analyst for Citigroup, wrote:

The larger supply and demand fundamentals do not support a further rise and are, in fact, more consistent with lower price levels.

That is when oil was at \$100 a barrel.

At the joint hearing of my PSI Subcommittee and Senator DORGAN's Energy Subcommittee last December, Dr. Edward Krapels, a financial market analyst, testified:

Of course financial trading, speculation affects the price of oil because it affects the price of everything we trade . . . It would be amazing if oil somehow escaped this effect.

He said that as a result of this speculation:

There is a bubble in oil prices.

There is some concern that some large traders may be avoiding the limits on holdings and accountability levels that apply to trading on the futures exchanges by trading in the unregulated over-the-counter market. In the absence of data or reporting on the activity in the over-the-counter market, it is difficult to estimate specifically the specific impact of this large amount of unregulated trading on commodity prices. Moreover, even if we

were to get better information about unregulated over-the-counter trades, the CFTC has no authority to take action to prevent price manipulation or excessive speculation resulting from this unregulated trading.

The need to control this speculation is urgent. Only yesterday the presidents and CEOs of major U.S. airlines warned about the disastrous effects of rampant speculation on the airline industry. The CEOs stated:

Normal market forces are being dangerously amplified by poorly regulated market speculation.

They further stated:

Twenty years ago, 21 percent of oil contracts were purchased by speculators who trade oil on paper with no intention of ever taking delivery. Today, oil speculators purchase 66 percent of all oil futures contracts, and that reflects just the transactions that are known.

So it has gone up from 21 percent purchased by speculators on these oil contracts, these futures, to 66 percent during this period, and that, again, excludes some of the transactions.

The CEOs wrote that:

For airlines, ultra-expensive fuel means thousands of lost jobs and severe reductions in air service to both large and small communities.

Earlier this year, Congress included legislation on the farm bill that closed the Enron loophole. This legislation closed one of the major regulatory gaps identified in the 2006 PSI report and then again in the 2007 PSI report on how a single hedge fund named Amaranth distorted natural gas prices through, in part, using the over-the-counter electronic exchanges that were not regulated under the Enron loophole.

The legislation to close the Enron loophole placed over-the-counter electronic exchanges under CFTC regulation. However, that legislation did not address the separate issue of trading in the rest of the over-the-counter market, which includes bilateral trades through voice brokers, swap dealers, and direct party-to-party negotiations. The legislation we are introducing today builds on that previous legislation and addresses the rest of the over-the-counter market.

Additionally, I have already introduced legislation with Senators FEINSTEIN, DURBIN, DORGAN, and BINGAMAN, S. 3129, to close the “London loophole.” This loophole has allowed crude oil dealers in the United States to avoid the position limits—limits on their holdings—that apply to trading on U.S. futures exchanges by simply directing their trades onto the ICE Futures Exchange in London. The legislation we have introduced has been incorporated into legislation introduced by Senator DURBIN, S. 3130, which also would give the CFTC more resources and enable them to better obtain information about index trading and the swaps market.

After these two bills were introduced, the CFTC imposed more stringent requirements upon the ICE Future Exchange's operations in the United

States, and for the first time the London exchange imposed comparable position limits in order to be allowed to keep its trading terminals in the United States. This is the very action our legislation called for.

However, although the CFTC took those important steps that will go a long way toward closing the London loophole, Congress still needs to pass the legislation to make sure the London loophole is closed. The legislation would put the conditions the CFTC has imposed upon the London exchange into statute, and ensure that the CFTC has clear authority to take action against any U.S. trader who is manipulating the price of a commodity or excessively speculating through the London exchange, including requiring traders to reduce positions.

There are additional steps that need to be taken to address the issue of ensuring that increasing speculation in our commodity markets is not driving up commodity prices.

The legislation we are introducing today is a practical, workable approach that will enable the CFTC to obtain key information about the over-the-counter market to enable it to prevent manipulation and excessive speculation. It will provide the CFTC with the authority to take action in the over-the-counter market to prevent excessive speculation and price manipulation, such as by requiring large traders to reduce their holdings of futures contracts. It enables the CFTC to obtain information on large trades in the over-the-counter market so it can determine whether any trader or class of traders has excessive holdings that may affect market prices, and whether such positions should be reduced.

This legislation will ensure that large traders cannot avoid the CFTC reporting requirements by using the unregulated over-the-counter market instead of the regulated exchanges. It will ensure that the CFTC can take appropriate action, such as by requiring reductions in holdings of futures contracts against traders with large positions in order to prevent price manipulation or excessive speculation, regardless of whether the trader's position is on an exchange or in the over-the-counter market.

The approach in this bill is practical and workable. I thank Senator FEINSTEIN for her important support of this legislation.

Mr. President, I ask unanimous consent, that a summary of the bill be printed in the RECORD.

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

THE LEVIN-FEINSTEIN "OVER-THE-COUNTER SPECULATION ACT"

SUMMARY

The Levin-Feinstein "Over-the-Counter Speculation Act" would give the Commodity Futures Trading Commission (CFTC) authority to direct a trader to reduce its positions in the OTC market to prevent price manipulation and excessive speculation in CFTC-

regulated markets. To provide the CFTC with information necessary to prevent price manipulation and excessive speculation in these markets, it also would extend the large trader reporting requirement in the Commodity Exchange Act (CEA)—which currently applies only to trading on the regulated futures exchanges—to trading in the unregulated over-the-counter (OTC) market.

Under current law, the CFTC's market oversight and surveillance does not extend to the OTC market, and the CFTC's authority over traders in this market only applies if the trader has a position on one of the CFTC-regulated markets. This bill would extend the CFTC's market oversight and surveillance to large trades in the OTC market, regardless of whether the trader also has a position on a futures exchange, and provide the CFTC with the necessary authority to take action in the OTC market to prevent price manipulation or excessive speculation.

BACKGROUND

As a result of various exclusions and exemptions in the CEA and CFTC regulations, commodity trading in the over-the-counter markets is largely unregulated, although trading in these markets may have a direct and substantial effect upon the prices of contracts for future delivery of those same commodities on futures exchanges regulated by the CFTC. According to some estimates, trading of swaps and other instruments in the OTC market exceeds by several multiples the trading of futures contracts in the regulated futures markets.

There is substantial concern excessive speculation in the OTC market may be contributing to the extraordinary commodity price increases of the past several months. There is also concern that some large traders may be avoiding the position limits and accountability levels that apply to trading on the futures exchanges by trading in the unregulated OTC market. In the absence of data or reporting on the activity in the OTC market, however, it is difficult to evaluate the specific effect of this large amount of unregulated trading on commodity prices. Moreover, even if the data were to show that large trading in the OTC market is affecting prices, or that traders are using the OTC market to avoid position limits in the regulated markets, the CFTC has limited authority to take action to prevent any price distortions that may result from such trading.

EXPLANATION OF BILL

CFTC Oversight Authority. The bill provides the CFTC with authority to require large traders in the OTC market to reduce holdings, or suspend trading, in order to prevent price manipulation or excessive speculation.

Reporting of Large Over-the-Counter Trades. The bill requires the CFTC to promulgate regulations requiring the reporting of large OTC transactions in order to detect and prevent potential price manipulation or excessive speculations.

Recordkeeping for Large Over-the-Counter Trades. The bill requires the CFTC to promulgate regulations requiring the keeping of trading records by persons required to report large OTC transactions.

AMENDMENTS SUBMITTED AND PROPOSED

SA 5069. Mr. REID (for Mr. BIDEN) proposed an amendment to the concurrent resolution H. Con. Res. 236, recognizing the close relationship between the United States and the Republic of San Marino.

SA 5070. Mr. REID (for Mr. HATCH) proposed an amendment to the resolution S. Res. 576, designating August 2008 as "Digital Television Transition Awareness Month".

SA 5071. Mr. REID (for Mr. HATCH) proposed an amendment to the resolution S. Res. 576, *supra*.

SA 5072. Mr. REID (for Mr. VOINOVICH) proposed an amendment to the bill S. 1046, to modify pay provisions relating to certain senior-level positions in the Federal Government, and for other purposes.

TEXT OF AMENDMENTS

SA 5069. Mr. REID (for Mr. BIDEN) proposed an amendment to the concurrent resolution H. Con. Res. 26, recognizing the close relationship between the United States and the Republic of San Marino; as follows:

In the tenth whereas clause of the preamble, strike "earlier this year" and insert ", in 2007".

SA 5070. Mr. REID (for Mr. HATCH) proposed an amendment to the resolution S. Res. 576, designating August 2008 as "Digital Television Transition Awareness Month"; as follows:

The preamble is amended by striking the third whereas clause and inserting "Whereas many consumers who are unaware of both the transition and the Government coupon program crafted to defray the cost of a converter box may be left without any television service after February 17, 2009;".

SA 5071. Mr. REID (for Mr. HATCH) proposed an amendment to the resolution S. Res. 576, designating August 2008 as "Digital Television Transition Awareness Month"; as follows:

On page 3, line 7, insert "the steps they need to take to retain their television service, including possibly" after "about".

On page 3, lines 11 and 12, strike ", so that consumers have time to obtain and connect converter boxes".

SA 5072. Mr. REID (for Mr. VOINOVICH) proposed an amendment to the bill S. 1046, to modify pay provisions relating to certain senior-level positions in the Federal Government, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Senior Professional Performance Act of 2008".

SEC. 2. PAY PROVISIONS RELATING TO CERTAIN SENIOR-LEVEL POSITIONS.

(a) LOCALITY PAY.—Section 5304 of title 5, United States Code, is amended—

(1) in subsection (g), by amending paragraph (2) to read as follows:

"(2) The applicable maximum under this subsection shall be level III of the Executive Schedule for—

"(A) positions under subparagraphs (A) and (B) of subsection (h)(1); and

"(B) any positions under subsection (h)(1)(C) as the President may determine."; and

(2) in subsection (h)—

(A) in paragraph (1)—

(i) by striking subparagraph (A);

(ii) in subparagraph (D)—

(I) in clause (v), by striking "or" at the end;

(II) in clause (vi), by striking the period at the end and inserting "; or"; and

(III) by adding at the end the following:

"(vii) a position to which section 5376 applies (relating to certain senior-level and scientific and professional positions)."; and

(iii) by redesignating subparagraphs (B), (C), and (D) as subparagraphs (A), (B), and (C), respectively; and

(B) in paragraph (2)(B)—

(i) in clause (i)—

(I) by striking “subparagraphs (A) through (C)” and inserting “subparagraphs (A) and (B)”;

(II) by striking “or (vi)” and inserting “(vi), or (vii)”;

(ii) in clause (ii)—

(I) by striking “paragraph (1)(D)” and inserting “paragraph (1)(C)”;

(II) by striking “or (vi)” and inserting “(vi), or (vii)”.

(b) ACCESS TO HIGHER MAXIMUM RATE OF BASIC PAY.—Section 5376(b) of title 5, United States Code, is amended—

(1) in paragraph (1), by striking subparagraph (B) and inserting the following:

“(B) subject to paragraph (3), not greater than the rate of basic pay payable for level III of the Executive Schedule.”;

(2) by adding at the end the following:

“(3) In the case of an agency which has a performance appraisal system which, as designed and applied, is certified under section 5307(d) as making meaningful distinctions based on relative performance, paragraph (1)(B) shall apply as if the reference to ‘level III’ were a reference to ‘level II’.

“(4) No employee may suffer a reduction in pay by reason of transfer from an agency with an applicable maximum rate of pay prescribed under paragraph (3) to an agency with an applicable maximum rate of pay prescribed under paragraph (1)(B).”.

(c) AUTHORITY FOR EMPLOYMENT; APPOINTMENTS; CLASSIFICATION STANDARDS.—Title 5, United States Code is amended—

(1) in section 3104(a), in the second sentence, by striking “prescribes” and inserting “prescribes and publishes in such form as the Director may determine”;

(2) in section 3324(a) by striking “the Office of Personnel Management” and inserting: “the Director of the Office of Personnel Management on the basis of qualification standards developed by the agency involved in accordance with criteria specified in regulations prescribed by the Director”;

(3) in section 3325—

(A) in subsection (a), in the second sentence, by striking “or its designee for this purpose” and inserting the following: “on the basis of standards developed by the agency involved in accordance with criteria specified in regulations prescribed by the Director of the Office of Personnel Management”;

(B) by adding at the end the following:

“(c) The Director of the Office of Personnel Management shall prescribe such regulations as may be necessary to carry out the purpose of this section.”; and

(4) in section 5108(a)(2) by inserting “published by the Director of the Office of Personnel Management in such form as the Director may determine” after “and procedures”.

(d) EFFECTIVE DATE AND APPLICATION.—

(1) EFFECTIVE DATE.—The amendments made by this section shall take effect on the first day of the first pay period beginning on or after the 180th day following the date of enactment of this Act.

(2) NO REDUCTIONS IN RATES OF PAY.—

(A) IN GENERAL.—The amendments made by this section may not result, at the time such amendments take effect, in a reduction in the rate of basic pay for an individual holding a position to which section 5376 of title 5, United States Code, applies.

(B) DETERMINATION OF RATE OF PAY.—For the purposes of subparagraph (A), the rate of basic pay for an individual described in that subparagraph shall be deemed to be the rate of basic pay set for the individual under sec-

tion 5376 of title 5, United States Code, plus any applicable locality pay paid to that individual on the day before the effective date under paragraph (1), subject to regulations that the Director of the Office of Personnel Management may prescribe.

(3) REFERENCES TO MAXIMUM RATES.—Except as otherwise provided by law, any reference in a provision of law to the maximum rate under section 5376 of title 5, United States Code—

(A) as provided before the effective date of the amendments made by this section, shall be considered a reference to the rate of basic pay for level IV of the Executive Schedule; and

(B) as provided on or after the effective date of the amendments made by this section, shall be considered a reference to—

(i) the rate of basic pay for level III of the Executive Schedule; or

(ii) if the head of the agency responsible for administering the applicable pay system certifies that the employees are covered by a performance appraisal system meeting the certification criteria established by regulation under section 5307(d), level II of the Executive Schedule.

SEC. 3. LIMITATIONS ON CERTAIN PAYMENTS.

(a) IN GENERAL.—Section 5307(d) of title 5, United States Code, is amended—

(1) in paragraph (2), by striking all after “purposes of” and inserting: “applying the limitation in the calendar year involved, has a performance appraisal system certified under this subsection as making, in its design and application, meaningful distinctions based on relative performance.”; and

(2) in paragraph (3)(B)—

(A) by striking all beginning with “An” through “2 calendar years” and inserting “The certification of an agency performance appraisal system under this subsection shall be for a period not to exceed 24 months beginning on the date of certification, unless extended by the Director of the Office of Personnel Management for up to 6 additional months”;

(B) by striking “, for purposes of either or both of those years.”.

(b) EXTENSION OF CERTIFICATION.—

(1) EXTENSION TO 2009.—

(A) IN GENERAL.—For any certification of a performance appraisal system under section 5307(d) of title 5, United States Code, in effect on the date of enactment of this Act and scheduled to expire at the end of calendar year 2008, the Director of the Office of Personnel Management may provide that such a certification shall be extended without requiring additional justification by the agency.

(B) LIMITATION.—The expiration of any extension under this paragraph shall be not later than the later of—

(i) June 30, 2009; or

(ii) the first anniversary of the date of the certification.

(2) EXTENSION TO 2010.—

(A) IN GENERAL.—For any certification of a performance appraisal system under section 5307(d) of title 5, United States Code, in effect on the date of enactment and scheduled to expire at the end of calendar year 2009, the Director of the Office of Personnel Management may provide that such a certification shall be extended without requiring additional justification by the agency.

(B) LIMITATION.—The expiration of any extension under this paragraph shall be not later than the later of—

(i) June 30, 2010; or

(ii) the second anniversary of the date of the certification.

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

NOTICE OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a Senate workshop has been scheduled before the Committee on Energy and Natural Resources.

The workshop will be held on Thursday, July 17, beginning at 9 a.m., in room SD-G50 of the Dirksen Senate Office Building.

The purpose of the workshop is examine why gasoline prices are so high, and what can be done about it; and why home heating oil and natural gas prices are expected to be so high this winter, and what can be done about that.

All Senators are invited to attend and present their views and recommendations. A limited number of experts will also be invited to participate and make oral statements. In addition, anyone wishing to submit written statements for the record may send them to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510-6150, or by e-mail to rosemarie_calabro@energy.senate.gov.

For further information, please contact Tara Billingsley at (202) 224-4756 or Rosemarie Calabro at (202) 224-5039.

SENIOR PROFESSIONAL PERFORMANCE ACT OF 2007

Mr. REID. Mr. President, I ask unanimous consent that we now proceed to Calendar No. 703, S. 1046.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1046) to modify pay provisions relating to certain senior-level positions within the Federal Government, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. Mr. President, I ask unanimous consent that the Voinovich substitute amendment which is at the desk be agreed to, the bill, as amended, be read a third time and passed, 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 amendment (No. 5072) was agreed to, as follows:

(Purpose: To modify pay provisions relating to certain senior-level positions in the Federal Government, and for other purposes)

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Senior Professional Performance Act of 2008”.

SEC. 2. PAY PROVISIONS RELATING TO CERTAIN SENIOR-LEVEL POSITIONS.

(a) LOCALITY PAY.—Section 5304 of title 5, United States Code, is amended—

(1) in subsection (g), by amending paragraph (2) to read as follows:

“(2) The applicable maximum under this subsection shall be level III of the Executive Schedule for—

“(A) positions under subparagraphs (A) and (B) of subsection (h)(1); and

“(B) any positions under subsection (h)(1)(C) as the President may determine.”; and

(2) in subsection (h)—

(A) in paragraph (1)—

(i) by striking subparagraph (A);

(ii) in subparagraph (D)—

(I) in clause (v), by striking “or” at the end;

(II) in clause (vi), by striking the period at the end and inserting “; or”; and

(III) by adding at the end the following:

“(vii) a position to which section 5376 applies (relating to certain senior-level and scientific and professional positions).”; and

(iii) by redesignating subparagraphs (B), (C), and (D) as subparagraphs (A), (B), and (C), respectively; and

(B) in paragraph (2)(B)—

(i) in clause (i)—

(I) by striking “subparagraphs (A) through (C)” and inserting “subparagraphs (A) and (B)”; and

(II) by striking “or (vi)” and inserting “(vi), or (vii)”; and

(ii) in clause (ii)—

(I) by striking “paragraph (1)(D)” and inserting “paragraph (1)(C)”; and

(II) by striking “or (vi)” and inserting “(vi), or (vii)”.’

(b) ACCESS TO HIGHER MAXIMUM RATE OF BASIC PAY.—Section 5376(b) of title 5, United States Code, is amended—

(1) in paragraph (1), by striking subparagraph (B) and inserting the following:

“(B) subject to paragraph (3), not greater than the rate of basic pay payable for level III of the Executive Schedule.”; and

(2) by adding at the end the following:

“(3) In the case of an agency which has a performance appraisal system which, as designed and applied, is certified under section 5307(d) as making meaningful distinctions based on relative performance, paragraph (1)(B) shall apply as if the reference to ‘level III’ were a reference to ‘level II’.

“(4) No employee may suffer a reduction in pay by reason of transfer from an agency with an applicable maximum rate of pay prescribed under paragraph (3) to an agency with an applicable maximum rate of pay prescribed under paragraph (1)(B).”.

(c) AUTHORITY FOR EMPLOYMENT; APPOINTMENTS; CLASSIFICATION STANDARDS.—Title 5, United States Code is amended—

(1) in section 3104(a), in the second sentence, by striking “prescribes” and inserting “prescribes and publishes in such form as the Director may determine”; and

(2) in section 3324(a) by striking “the Office of Personnel Management” and inserting: “the Director of the Office of Personnel Management on the basis of qualification standards developed by the agency involved in accordance with criteria specified in regulations prescribed by the Director”; and

(3) in section 3325—

(A) in subsection (a), in the second sentence, by striking “or its designee for this purpose” and inserting the following: “on the basis of standards developed by the agency involved in accordance with criteria specified in regulations prescribed by the Director of the Office of Personnel Management”; and

(B) by adding at the end the following:

“(c) The Director of the Office of Personnel Management shall prescribe such regulations as may be necessary to carry out the purpose of this section.”; and

(4) in section 5108(a)(2) by inserting “published by the Director of the Office of Personnel Management in such form as the Di-

rector may determine” after “and procedures”.

(d) EFFECTIVE DATE AND APPLICATION.—

(1) EFFECTIVE DATE.—The amendments made by this section shall take effect on the first day of the first pay period beginning on or after the 180th day following the date of enactment of this Act.

(2) NO REDUCTIONS IN RATES OF PAY.—

(A) IN GENERAL.—The amendments made by this section may not result, at the time such amendments take effect, in a reduction in the rate of basic pay for an individual holding a position to which section 5376 of title 5, United States Code, applies.

(B) DETERMINATION OF RATE OF PAY.—For the purposes of subparagraph (A), the rate of basic pay for an individual described in that subparagraph shall be deemed to be the rate of basic pay set for the individual under section 5376 of title 5, United States Code, plus any applicable locality pay paid to that individual on the day before the effective date under paragraph (1), subject to regulations that the Director of the Office of Personnel Management may prescribe.

(3) REFERENCES TO MAXIMUM RATES.—Except as otherwise provided by law, any reference in a provision of law to the maximum rate under section 5376 of title 5, United States Code—

(A) as provided before the effective date of the amendments made by this section, shall be considered a reference to the rate of basic pay for level IV of the Executive Schedule; and

(B) as provided on or after the effective date of the amendments made by this section, shall be considered a reference to—

(i) the rate of basic pay for level III of the Executive Schedule; or

(ii) if the head of the agency responsible for administering the applicable pay system certifies that the employees are covered by a performance appraisal system meeting the certification criteria established by regulation under section 5307(d), level II of the Executive Schedule.

SEC. 3. LIMITATIONS ON CERTAIN PAYMENTS.

(a) IN GENERAL.—Section 5307(d) of title 5, United States Code, is amended—

(1) in paragraph (2), by striking all after “purposes of” and inserting: “applying the limitation in the calendar year involved, has a performance appraisal system certified under this subsection as making, in its design and application, meaningful distinctions based on relative performance.”; and

(2) in paragraph (3)(B)—

(A) by striking all beginning with “An” through “2 calendar years” and inserting “The certification of an agency performance appraisal system under this subsection shall be for a period not to exceed 24 months beginning on the date of certification, unless extended by the Director of the Office of Personnel Management for up to 6 additional months”; and

(B) by striking “, for purposes of either or both of those years.”.

(b) EXTENSION OF CERTIFICATION.—

(1) EXTENSION TO 2009.—

(A) IN GENERAL.—For any certification of a performance appraisal system under section 5307(d) of title 5, United States Code, in effect on the date of enactment of this Act and scheduled to expire at the end of calendar year 2008, the Director of the Office of Personnel Management may provide that such a certification shall be extended without requiring additional justification by the agency.

(B) LIMITATION.—The expiration of any extension under this paragraph shall be not later than the later of—

(i) June 30, 2009; or

(ii) the first anniversary of the date of the certification.

(2) EXTENSION TO 2010.—

(A) IN GENERAL.—For any certification of a performance appraisal system under section 5307(d) of title 5, United States Code, in effect on the date of enactment and scheduled to expire at the end of calendar year 2009, the Director of the Office of Personnel Management may provide that such a certification shall be extended without requiring additional justification by the agency.

(B) LIMITATION.—The expiration of any extension under this paragraph shall be not later than the later of—

(i) June 30, 2010; or

(ii) the second anniversary of the date of the certification.

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

The bill (S. 1046), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

NAMING THE DEPARTMENT OF VETERANS AFFAIRS OUTPATIENT CLINIC IN PONCE, PUERTO RICO, AS THE “EURIPIDES RUBIO DEPARTMENT OF VETERANS AFFAIRS OUTPATIENT CLINIC”

Mr. REID. Mr. President, I ask unanimous consent that the Veterans’ Affairs Committee be discharged from further consideration of H.R. 4289 and the Senate now proceed to its consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 4289) to name the Department of Veterans Affairs outpatient clinic in Ponce, Puerto Rico, as the “Euripides Rubio Department of Veterans Affairs Outpatient Clinic.”

The PRESIDING OFFICER. There being no objection, the Senate proceeded to consider the bill.

Mr. REID. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, that there be no intervening action or debate, and any statements relating to this matter be printed in the RECORD.

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

The bill (H.R. 4289) was ordered to a third reading, was read the third time, and passed.

RECOGNIZING THE CLOSE RELATIONSHIP BETWEEN THE UNITED STATES AND THE REPUBLIC OF SAN MARINO

Mr. REID. Mr. President, I ask unanimous consent that the Senate Committee on Foreign Relations be discharged from further consideration of H. Con. Res. 236.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 236) recognizing the close relationship between the United States and the Republic of San Marino.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. REID. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to; the amendment, which is at the desk, be agreed to; the preamble, as amended, be agreed to; and the motion to reconsider be laid upon the table, with no intervening action or debate. I further ask that any statements relating to this measure be printed in the RECORD.

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

The concurrent resolution (H. Con. Res. 236) was agreed to.

The amendment (No. 5069) was agreed to, as follows:

(Purpose: To make a technical correction)

In the tenth whereas clause of the preamble, strike "earlier this year" and insert "in 2007".

The preamble, as amended, was agreed to.

HONORING THE MEN AND WOMEN OF THE DEA

Mr. REID. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from the consideration of S. Res. 610, and the Senate proceed to its consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 610) honoring the men and women of the Drug Enforcement Administration on the occasion of the 35th anniversary of the Administration.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, I ask unanimous consent that the resolution be agreed to; the preamble be agreed to; the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements related to the resolution be printed in the RECORD.

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

The resolution (S. Res. 610) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 610

Whereas the Drug Enforcement Administration (DEA) was created by Executive order on July 6, 1973, and merged the previously separate law enforcement and intelligence agencies responsible for narcotics control;

Whereas the first administrator of the DEA, John R. Bartels, Jr., was confirmed by the Senate on October 4, 1973;

Whereas since 1973, the men and women of the DEA have served the United States with courage, vision, and determination, protecting all the people of the United States from the scourge of drug trafficking, drug abuse, and related violence;

Whereas the DEA has adjusted and refined the tactics and methods by which the DEA targets the most dangerous drug trafficking operations to bring to justice criminals such

as New York City's Nicky Barnes, key members of the infamous Colombian Medellín cartel, Thai warlord Khun Sa, several members of the Mexican Arellano-Felix organization, Afghan terrorist Haji Baz Mohammad, and international arms dealer Viktor Bout;

Whereas throughout the 35 years since the DEA was created, the DEA has continually adapted to the evolving trends of drug trafficking organizations by aggressively targeting organizations involved in the growing, manufacturing, and distribution of such substances as marijuana, cocaine, heroin, methamphetamine, Ecstasy, and controlled prescription drugs;

Whereas in 227 domestic offices, in 21 field divisions, the DEA continues to strengthen and enhance existing relationships with Federal, State, and local counterparts in every State in the Union to combat drug trafficking;

Whereas since 2000, DEA special agents have seized over 5,500 kilograms of heroin, 650,000 kilograms of cocaine, 2,300,000 kilograms of marijuana, and 13,000 kilograms of methamphetamine and almost 80,000,000 dosage units of hallucinogens, and made over 240,000 arrests;

Whereas with 87 foreign offices, located in 63 countries, the DEA has the largest international presence of any Federal law enforcement agency;

Whereas the personnel of the DEA continue to collaborate closely with international partners around the globe, including in such drug-producing countries as Colombia, Mexico, Afghanistan, and Thailand;

Whereas the results of this international collaboration since 2000 alone have led to the indictments of 63 leaders, members, and associates of the Revolutionary Armed Forces of Colombia, a designated foreign terrorist organization;

Whereas through the creation of the Diversion Control Program in 1971, the DEA now registers and regulates over 1,200,000 registrants, while simultaneously combating the continually evolving threat posed by the diversion of controlled pharmaceuticals;

Whereas the DEA continues to disrupt drug trafficking activities by denying drug trafficking organizations \$3,500,000,000 in fiscal year 2007 alone, exceeding their 5-year goal of \$3,000,000,000 annually by fiscal year 2009;

Whereas DEA special agents continue to work alongside Federal, State, and local law enforcement officials throughout the United States in a cooperative effort to put drug traffickers behind bars;

Whereas throughout the history of the DEA and its predecessor agencies, many employees and members of the task forces have given their lives in the line of duty, including: Charles Archie Wood, Stafford E. Beckett, Joseph W. Floyd, Bert S. Gregory, James T. Williams, Louis L. Marks, James E. Brown, James R. Kerrigan, John W. Crozier, Spencer Stafford, Andrew P. Sanderson, Anker M. Bangs, Wilson M. Shee, Mansel R. Burrell, Hector Jordan, Gene A. Clifton, Frank Tummlillo, Richard Heath, Jr., George F. White, Emir Benitez, Gerald Sawyer, Leslie S. Grosso, Nickolas Fragos, Mary M. Keehan, Charles H. Mann, Anna Y. Mounger, Anna J. Pope, Martha D. Skeels, Mary P. Sullivan, Larry D. Wallace, Ralph N. Shaw, James T. Lunn, Octavio Gonzalez, Francis J. Miller, Robert C. Lightfoot, Thomas J. Devine, Larry N. Carwell, Marcellus Ward, Enrique S. Camarena, James A. Avant, Charles M. Bassing, Kevin L. Brosch, Susan M. Hoefler, William Ramos, Raymond J. Stastny, Arthur L. Cash, Terry W. McNett, George M. Montoya, Paul S. Seema, Everett E. Hatcher, Rickie C. Finley, Joseph T. Aversa, Wallie Howard, Jr., Eugene T. McCarthy, Alan H. Winn, George D. Althouse, Becky L. Dwojeski, Stephen J.

Strehl, Juan C. Vars, Jay W. Seale, Meredith Thompson, Frank S. Wallace, Jr., Frank Fernandez, Jr., Kenneth G. McCullough, Carrol June Fields, Rona L. Chafey, Shelly D. Bland, Carrie A. Lenz, Shaun E. Curl, Royce D. Tramel, Alice Faye Hall-Walton, Elton Armstead, Larry Steilen, Terry Loftus, Jay Balchunas, and Richard E. Fass;

Whereas many other DEA employees and task force officers have been wounded or injured in the line of duty; and

Whereas over 9,000 employees of the DEA, including special agents, intelligence analysts, diversion investigators, program analysts, forensic chemists, attorneys, and administrative support personnel, along with over 2,000 task force officers, and over 2,000 vetted foreign officers, work tirelessly to hunt down and bring to justice the drug trafficking cartels that seek to poison the citizens of the United States with dangerous narcotics: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the Drug Enforcement Administration (DEA) on the occasion of its 35th anniversary;

(2) honors the heroic sacrifice of the DEA employees who have given their lives or have been wounded or injured in service of the United States; and

(3) gives heartfelt thanks to all the men and women of the DEA for their past and continued efforts to defend the people of the United States from the scourge of illegal drugs and terrorism.

DIGITAL TELEVISION TRANSITION AWARENESS MONTH

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 777, S. Res. 576.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 576) designating August 2008 as "Digital Television Transition Awareness Month."

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, I ask unanimous consent that the amendment to the resolution be agreed; that the resolution, as amended, be agreed to; that the amendment to the preamble be agreed to; that the preamble, as amended, be agreed to; and that all motions to reconsider be laid upon the table, en bloc.

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

The amendment (No. 5071) was agreed to, as follows:

(Purpose: To make minor changes)

On page 3, line 7, insert "the steps they need to take to retain their television service, including possibly" after "about".

On page 3, lines 11 and 12, strike "so that consumers have time to obtain and connect converter boxes".

The resolution (S. Res. 576), as amended, was agreed to.

The amendment (No. 5070) was agreed to, as follows:

(Purpose: To make minor changes)

The preamble is amended by striking the third whereas clause and inserting "Whereas many consumers who are unaware of both the transition and the Government coupon program crafted to defray the cost of a converter box may be left without any television service after February 17, 2009;"

The preamble, as amended, was agreed to.

The resolution, as amended, with its preamble, as amended, reads as follows: (The resolution will be printed in a future edition of the RECORD.)

MEASURE READ THE FIRST
TIME—S. 3257

Mr. REID. Mr. President, S. 3257, introduced today by Senator SPECTER, is at the desk. I ask for its first reading.

The PRESIDING OFFICER. The clerk will report the bill by title for the first time.

The legislative clerk read as follows:

A bill (S. 3257) to extend immigration programs to promote legal immigration and for other purposes.

Mr. REID. I now ask for its second reading but object to my own request.

The PRESIDING OFFICER. Objection is heard. The bill will be read for the second time on the next legislative day.

ORDERS FOR MONDAY, JULY 14,
2008

Mr. REID. Mr. President, I ask unanimous consent that when the Senate

completes its business today, it stand adjourned until 2 p.m., Monday, July 14; 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 the Senate proceed to a period of morning business for up to 1 hour, with Senators permitted to speak for up to 10 minutes each; that following morning business, the Senate proceed to the consideration of S. 2731, global AIDS legislation, as under the previous order.

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

PROGRAM

Mr. REID. Mr. President, we are going to be on this global AIDS bill, and I would hope that Senators BIDEN, LUGAR, and anyone else who wants to give a statement regarding this matter do that Monday afternoon. If there are amendments people want to offer, they can do that. We should finish this bill, I hope, relatively soon. We have a finite list of amendments.

Even though this has been a very grueling process, hopefully—with all the concern we have had the last sev-

eral months with, in effect, not getting along with the Republicans and vice versa—I hope the work that was put in this week in the Senate, where we have been able to accomplish some difficult issues—Medicare, FISA, housing, and moving forward on this legislation—I hope it paves the way for us, during the next 3 weeks, 4 weeks, to complete even more for the American people.

We know that gas prices are on the minds of everyone, and we hope even next week to have some bipartisan legislation on energy that I think would help stop some of the hemorrhaging going on with the problems we have dealing with energy.

We will have no votes on Monday. We will have some votes Tuesday morning.

ADJOURNMENT UNTIL MONDAY,
JULY 14, 2008, AT 2 P.M.

Mr. REID. 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 6:39 p.m., adjourned until Monday, July 14, 2008, at 2 p.m.