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## Senate

(Legislative day of Wednesday, September 17, 2008)

The Senate met at 9:30 a.m., on the expiration of the recess, and was called to order by the Honorable BENJAMIN L. CARDIN, a Senator from the State of Maryland.

### PRAYER

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

Let us pray.

Gracious, loving God, let Your light, Your wisdom, Your righteousness, and Your love fill our minds and hearts today. Lord, You have promised Your wisdom for all who need it. This week, more than ever, Your Senators need Your wisdom. Illuminate their minds with more than human insight. Lord, close the doors You don't want them to enter and open the gates that will lead them to the path of Your way. Remind them of their weakness and fallibility as You give them the grace to listen to those with whom they disagree. Bring from the crucible of conflicting views truth and justice that will bless our land.

We pray in the Name of Him who gave His life for all. Amen.

### PLEDGE OF ALLEGIANCE

The Honorable BENJAMIN L. CARDIN led the Pledge of Allegiance, as follows:

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

### APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, September 24, 2008.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable BENJAMIN L. CARDIN, a Senator from the State of Maryland, to perform the duties of the Chair.

ROBERT C. BYRD,  
President pro tempore.

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

### RECOGNITION OF THE MAJORITY LEADER

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

### SCHEDULE

Mr. REID. Mr. President, following the remarks of the leaders, the Senate will proceed to morning business. We are going to go to morning business for an hour. I alert Members that we may be in morning business for longer than that time. We will come back at a later time. The first 30 minutes will be controlled by the majority, and the Republicans will control the last 30 minutes. Following that time, we will continue to have Senators limited to 10 minutes each. If that is not the order, I ask that be the case.

The ACTING PRESIDENT pro tempore. That is the case.

Mr. REID. The legislation we have this week is the Department of Defense authorization. We have a continuing resolution. We have the stimulus. We have the economic recovery program. And, of course, the most important thing on everyone's mind is what we do about the bailout of the financial institutions.

I think we made progress yesterday. Certainly, it appears there were a lot of questions asked. The Secretary of the

Treasury and the Chairman of the Fed will be over in the House around 2 o'clock this afternoon. Democrats are holding a caucus at 4:30 p.m. to talk about this issue. The Secretary is coming to that caucus at 5 o'clock.

I hope we can make more progress. We have not only the Jewish holidays coming up next week, but a very important event is this Friday. I was told and heard on the radio this morning that as much as 85 percent of the American people will watch the debate this Friday. That is a stunning number. It will be the most widely viewed Presidential debate in history. I assume, if we are still in session, we can take a brief recess for an hour and a half and work through it. I am sure there is not one of the 100 Senators who will want to miss that debate.

I will be back later to talk about the so-called Coburn package. I am not going to do it now.

### RECOGNITION OF THE MINORITY LEADER

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

### HONORING OUR ARMED FORCES

SPECIALIST SERGIO S. ABAD

Mr. McCONNELL. Mr. President, this morning I pay tribute to a fallen soldier from my home State. SPC Sergio Abad was tragically killed in Wanat, Afghanistan, from wounds suffered by small-arms fire and rocket-propelled grenades fired by the enemy on July 13, 2008. Army records listed Morganfield, KY, as Specialist Abad's home, and he was 21 years old.

For his valor on the battlefield, Specialist Abad received several medals, awards, and declarations, including the National Defense Service Medal, the Army Good Conduct Medal, the Army

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



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Commendation Medal with Combat Distinguishing Device "V," the Purple Heart, and the Bronze Star.

Specialist Abad's adoptive mother, Marilyn Popko, relates a tale of his heroism in his final moments that explains just how such a young man earned that many medals and more. At a memorial service for Sergio at Arlington National Cemetery, a friend and fellow soldier of Sergio's who was at the battle told her Sergio kept fighting even after taking hits to his arms and thigh. With his brother soldier there to reload his gun for him, Sergio kept firing until he finally succumbed to his wounds and could fight no more.

"It was his dream to be in the military, and he was living his dream when he was killed," Marilyn says.

Sergio was born and grew up in Florida. At the age of 7, he was removed from an abusive home and placed with relatives. By middle school, young Sergio had become part of not just one Florida family but two: the Popkos and the Pittses, both of whom already had children around his age.

"He would stay with us a while, then go to stay with Lori Pitts's family," Marilyn recalls.

Thanks to the support of the Popkos and Pittses, a child with an unhappy start in life received plenty of support and love. He called both Marilyn Popko and Lori Pitts "Mommy." Paul Pitts and Stephen Popko were both "Dad."

Growing up, Sergio participated in Junior ROTC and studied karate at a local martial arts studio. Sergio "was really athletic and could knock out hundreds of push-ups with no problem," says Marybeth Klock-Perez, who ran the studio where Sergio practiced. For someone who had "been dealt really unfair cards in life, he was absolutely never bitter. He never used excuses or acted like the world owed him."

COL Eddie Santana ran Sergio's Junior ROTC Program. He was "an outstanding young leader—very disciplined and committed," the colonel remembered. "He always knew what he wanted to do: join the Army."

Sergio traded the Sunshine State for the Bluegrass State in 2005 when he came to the Earle C. Clements Center in Morganfield, KY, to earn his GED. After he received it, he entered basic training at Fort Benning, GA, and then was stationed in Italy for a year with Company C, 2nd Battalion, 503rd Infantry.

"It was one of the best times he ever had," Marilyn Popko says. "He went to Germany, Switzerland, France. And he loved jumping out of airplanes."

Amidst all this adventure, Sergio also fell in love. He met Christina, and the two planned to marry in the summer of 2008. The wedding was to feature the music of Sergio's favorite singer, Frank Sinatra. Sadly, Sergio was killed before he could walk down the aisle and before he could welcome his and Christina's daughter, due this December, into the world. Christina "le-

gally changed her name to Abad so their daughter would have Sergio's name," Marilyn says. Sergio "died without knowing they were having a girl—he always wanted a daughter."

Sergio leaves behind many loved ones, and our thoughts are with them today. This includes members of both the Popko and Pitts families, including Marilyn, Stephen, and Catherine Popko, and Lori, Paul, Zachery, and Leo Pitts and Krystine Pitts Flagg, as well as Sergio's fiancée, Christina Abad, and their daughter, who will grow up knowing their father was a hero.

Everyone who knew and loved him should also know our Nation is honored to have men like SPC Sergio S. Abad defend our country. Today, this Senate honors him for his immense sacrifice and for his life of service.

Mr. President, I yield the floor.

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

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

The majority leader is recognized.

#### DRUG ENDANGERED CHILDREN ACT OF 2007

Mr. REID. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of H.R. 1199 and the Senate proceed to its consideration; that the bill be read a third time and passed and the motion to reconsider be laid upon the table.

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

The bill (H.R. 1199) was ordered to a third reading, was read the third time, and passed.

#### EMMETT TILL UNSOLVED CIVIL RIGHTS CRIMES ACT OF 2007

Mr. REID. Mr. President, this is the Emmett Till unsolved crimes bill which has received so much notoriety. I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

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

Mr. REID. Mr. President, I extend my appreciation to Senator COBURN for allowing us to complete these two bills.

#### RESERVATION OF LEADER TIME

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

#### MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business, with Senators permitted to speak for up to 10 minutes each, with the first hour equally divided and controlled, with the majority controlling the first 30 minutes and the Republicans controlling the second 30 minutes.

The Senator from Florida is recognized.

Mr. NELSON of Florida. Mr. President, I know under the previous order this side of the aisle has the time first, but I see the Senator from Oklahoma standing, and I wonder if he wanted to respond to the majority leader.

Mr. COBURN. I did.

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the Senator from Oklahoma be allowed to speak, but that time not be taken out of the 1 hour set aside for the two sides of the aisle.

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

The Senator from Oklahoma is recognized.

Mr. COBURN. Mr. President, I wanted to thank the majority leader and to spend a few minutes talking about an individual who was key to—

Mr. REID. Would my friend withhold for a second? The staff said they didn't hear me read all this on Emmett Till, even though I did. They want me to do the whole thing all over again.

The ACTING PRESIDENT pro tempore. Without objection, the majority leader is recognized.

#### EMMETT TILL UNSOLVED CIVIL RIGHTS CRIME ACT OF 2007

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 237, H.R. 923.

The ACTING PRESIDENT pro tempore. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 923) to provide for the investigation of certain unsolved civil rights crimes, and for other purposes.

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

Mr. LEAHY. Mr. President, I am pleased that the Senate will unanimously pass the Emmett Till Unsolved Civil Rights Crime Act, H.R. 923, a bipartisan bill to provide critical tools and resources for the Department of Justice and FBI to expeditiously investigate and prosecute decades-old unsolved civil rights cold case crimes.

This bill overwhelmingly passed the House of Representatives last year and unanimously passed the Senate on two previous occasions, in the 108th and 109th Congresses. Its consideration in the Senate has been needlessly delayed due to a Republican objection. Finally, this bipartisan legislation will be sent to the President.

This legislation includes the Missing Child Cold Case Review Act, a critical measure which I sponsored last Congress. It allows inspectors general of Federal law enforcement agencies to authorize staff to provide much needed assistance to the National Center for Missing and Exploited Children—NCMEC—inactive case files. In order to bolster their efforts to solve these heart-wrenching cases, NCMEC needs the assistance and the cooperation of inspectors general. I am pleased that this legislation will help the men and women at NCMEC carry out this important mission.

The primary purpose of the Till bill is to track down those whose violent acts during a period of national turmoil remain unpunished. In 1955, the brutal murder of a 14-year-old African-American teenager named Emmett Till stirred the conscience of our country. No one has been punished for this tragic and brutal murder. Fifty-two years later, Emmett Till's family and the families of hundreds of other Americans who lost their lives in the fight for equal rights, still await justice.

Racially motivated violence during this turbulent time left a scar on the fabric of our democracy. Far too often, its goal was to divide communities and intimidate certain citizens from achieving full participation in our democracy and exercising their constitutional rights to vote, to travel, and to stay in a federally protected enclave, and, most often, the right to live where you please.

The Federal Government has traditionally been the guardian of last resort for our Nation's most vulnerable inhabitants. Yet sadly for much of our Nation's history, African-Americans and other citizens involved in civil rights activities were not protected in the full enjoyment of their rights. Indeed, as FBI Director Mueller acknowledged last year, "[m]any murders during the civil rights era were not fully investigated, were covered up or were misidentified as accidental death or disappearance." With the passage of the Till bill today, we once again acknowledge past governmental missteps and seek to right these wrongs.

The Till bill provides the necessary tools for the Federal Government, along with State and local officials, to investigate and prosecute civil rights decades-old unsolved crimes. First, the bill creates two new offices to investigate and prosecute these decades-old cold case crimes. Rather than creating a new unit or section within the Justice Department, the legislation allows precious Federal resources to be used by the FBI field offices and Federal prosecutors in the states where these prosecutions will occur.

Second, it will empower the Community Relations Service of the Department of Justice to work with local communities in identifying unsolved cases. In a similar vein, the bill also allows the Justice Department to issue grants to State and local law enforce-

ment agencies for investigation and prosecution of violations of State and local laws similar to Federal criminal civil rights statutes. Many Federal criminal civil rights prosecutions may be time-barred or face *ex post facto* concerns. Allowing Federal grants to State and local entities will allow for justice to prevail even where Federal law may be inadequate.

Third, the bill incorporates my recommended change to provide oversight over this initiative. Congress will be able to track how many cold cases were selected for further inquiry and how many were not. This change strengthens oversight and protects ongoing investigations from being compromised. In a February 2007 press conference, the Director of the FBI announced that the FBI and Justice Department would work with civil rights organizations to bring closure to decades-old unsolved civil rights crimes. Yet, just a few weeks ago, press reports indicated that the Justice Department and FBI have yet to prosecute a single case under the agency's cold case initiative already in place. This is further evidence that vigorous oversight is needed, and I hope this bill will help.

Although I am happy this bill has finally passed the full Senate, this non-controversial and bipartisan bill should not have taken several Congresses to pass. The Till bill was one of many bills that the majority leader included in S.3297, the Advancing America's Priorities Act. The majority leader selected three dozen legislative items from the jurisdiction of seven Senate committees, including eight Judiciary Committee bills, for this effort. These are all measures with bipartisan support and, we believe, the support of a strong bipartisan majority of the Senate. Each of these bills has the support of all Democratic Senators and had overwhelming support, but stalled on the Senate floor by Republican objection. Ensuring the civil rights of all Americans is a core American value, and I am disappointed that a single Republican objection prevented this bipartisan legislation from passing long ago by unanimous consent.

Our Nation should always be thankful to those who risked their lives fighting for civil rights. During the recent reauthorization of the Voting Rights Act, I was reminded that the lives of Medgar Evers, Vernon Dahmer, Michael Schwerner, Andrew Goodman, James Chaney, and countless others, demonstrate that ordinary persons can change the world. Three months ago, we commemorated the 44th anniversary of the deaths of Chaney, Schwerner, and Goodman. The sacrifice and courage of these Americans—many of whom gave their lives toiling for freedom—made our democratic ideals real, and continue to inspire future generations to fight for civil rights.

This important bill is long overdue. As each day passes evidence fades and witnesses age. We must have a sense of urgency. Justice cannot afford to wait.

Earlier this month, we witnessed an unfortunate example of the impact waiting too long to prosecute these cases can have on the administration of justice. Recently, the Fifth Circuit Court of Appeals overturned the conviction of former Klansman James Seale, who was charged with the 1963 abduction and killings of two African-American teenagers in Mississippi. At that time Mr. Seale committed the horrendous crimes a jury of his peers convicted him of, Congress had no statute of limitations on Federal kidnapping. I was disappointed that, in overturning his conviction, a court of appeals would misinterpret congressional intent and retroactively apply a procedural bar that we did not intend to apply to crimes that occurred almost a decade before.

I thank Senator DODD and my good friend Representative JOHN LEWIS for their leadership and hard work on this legislation. Representative LEWIS is a civil rights hero who courageously marched and fought for equal justice in America. I know this bill is important to him, and I am deeply appreciative of his tireless efforts on this important legislation. I also thank Senator COCHRAN for his support. Last year we traveled overseas together, and I know this bill is important to him and his State. I thank the majority leader for his leadership in advancing this legislation. I also appreciate the help of Senator BYRD in helping us move this bill through the Senate. Lastly, I thank the many civil rights and law enforcement organizations who have worked so hard to enact this legislation: the NAACP, the Southern Poverty Law Center, the Leadership Conference on Civil Rights, the Emmett Till Justice Campaign, the Lawyers Committee for Civil Rights under Law, the ACLU, the Fraternal Order of Police, and so many others.

In July, I had the honor to meet Simeon Wright, Emmett Till's cousin, who was with Mr. Till on the horrible night he was kidnapped. This bill will begin the process of seeking restorative justice for families, like Mr. Wright, who were victimized by these horrific crimes and so justice went undone for so many years. We could not pass this legislation today without their efforts. Mr. Wright, and so many others, should be congratulated for their courage and their commitment to fighting for justice for so many years.

With its passage, we take an important step towards finally bringing to justice individuals who committed heinous crimes against civil rights activists and African-American citizens. Equally important, we send an important message to all Americans about the depth of our commitment. We have made great progress in the last few decades towards achieving equal justice under law. The Unsolved Civil Rights Crimes Act brings us one step closer towards that important goal.

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 and that any statements relating to the bill be printed in the RECORD.

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

The bill (H.R. 923) was ordered to a third reading, was read the third time, and passed.

Mr. REID. So staff once again was right, and I was wrong.

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Oklahoma is recognized.

Mr. COBURN. I thank my colleague from Florida for this short period of time to thank the majority leader for working in good faith on several of these bills.

There is a gentleman in this country by the name of Alvin Sykes. If you haven't met him, you should. He is what America is all about. He promised the mother of Emmett Till before she died that he would make sure there would be an investigation into the death of her son, her young son, as well as others who were never properly investigated to the extent they should have been.

We have wrangled a lot over this bill, and one of the reasons we have wrangled is because of the financial problem we find ourselves in today in this country. Begrudgingly, I have decided we could not, out of the waste of the Justice Department, get the Senate to concur that we should not spend additional money on it; that there is plenty of money. As a matter of fact, at the end of last year, there was \$1.7 billion in unexpended funds and unobligated funds at the Justice Department. They also have a tremendous track record of waste in terms of conferences and of poor management. Moreover, they are the only agency of the Federal Government that, unlike every other agency, the unobligated balances do not automatically go back to the Treasury. They get to spend the money.

So we have again failed to do the fiscally responsible thing. But I decided last night this is one of those rare exceptions when I can't convince the body that we ought to be more frugal. We could have accomplished the same thing with the funds over there, but the greater call was to allow this bill to pass.

But I wanted to tell you something about America with this bill, and it has to do with Alvin Sykes. If you met him, you would immediately fall in love with him. He is poor as a church mouse. He has led this group with integrity. He has been an honest broker. He has not played the first political game with anybody in Washington. As a matter of fact, he has had games played on him and he has been manipulated. But the fact is he has held true to his belief and his commitment to the mother of Emmett Till. And because of that, we are going to see this bill come into fruition.

I think that speaks so well about our country; that one person has truly

made a difference, and that one person is Alvin Sykes. I can't say enough about this individual. I can't say enough about his stamina, his integrity, his forthrightness, his determination. All of the qualities that have built this country this gentleman exhibited as he worked to keep a promise to the dying mother of Emmett Till. So I come to the floor now to sing his praises, to recognize him publicly for his tremendous efforts, and all those on his board have made in making this come to fruition.

I also wanted to spend a moment saying there is no reason why this body can't do something more aggressively in terms of protecting children in the midst of child pornography. We have the PROTECT Act, which cost \$372 million, and which could easily be paid for, but we won't pay for it. The fact is, as the bill is written today, nothing will happen until a year from now with that bill, even if we pass it, because we are not going to appropriate funds for it.

It is going to be like the Adam Walsh Act. We promised everybody we would do it, but have barely funded it at all. However, we could make a big difference with that by combining the PROTECT Act with the SAFE Act. The Justice Department has reiterated there are no fourth amendment concerns. The House passed the bill 390 to 2, and yet we have resistance—for political reasons, not for policy reasons—in bringing forth that bill.

I also thank the Democratic staff, who have worked so hard to clean that bill up to eliminate the objections. It is my hope that before we leave here this week, we will do something. The reason the SAFE Act is important is because it will do something the moment it is signed into law. Internet service providers will have to start reporting to the Government, to the National Center for Missing and Exploited Children, child porn sites and the people who are utilizing them and putting them up. The PROTECT Act won't do any of that, but the SAFE Act will. So my hope is that through the rest of the remaining days of this session we can come together and put politics aside and truly make a difference.

I talked to a Congressman from North Carolina two nights ago and he said there are 250 fathers who are filming sexual acts with little children and putting it on the Internet. The way you stop that is have the Internet service providers start reporting that to the FBI. And the fact we won't do that—for political reasons, not policy reasons—is a pox on us. That is in North Carolina alone. And not to pick on North Carolina, because it is the same in many other States. But that is a fact, and we know it is happening in other places. This is something where we can make a difference, and my hope is we can work that out.

I thank again the Senator from Florida for this time, and I yield the floor.

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

#### AVOIDING A DEPRESSION

Mr. NELSON of Florida. Mr. President, I wanted to speak to the Senate today about this enormous decision we must make about what to do about our current financial catastrophe.

We are in a recession. By any measure, we are in a recession. The question is we must ask today is: What can we do to prevent this recession slipping into a full-blown depression? That is the matter that is in front of the Senate. One way or another we are going to have to come to grips with this by the weekend, or have an understanding that we are going to come back next week and try to finish this.

What should be the underlying policy we pursue? Well, we ought to find ways to help stabilize the mortgage market that has caused this crisis. Let me quickly recapitulate what caused this financial mess. It was the fact that banks, and financial institutions acting as banks but not regulated as banks, started encouraging people to take loans on their homes which they could not afford.

All the checks and balances that regulations would have required these financial institutions ignored. They did not conduct their due diligence, and ask the practical questions: Did the people have a sufficient income stream to be able to afford their mortgage? Did they put some skin in the game, by having to put some money down on the house they were purchasing? Could they afford the interest rates and the other terms of that mortgage? Lenders and brokers weren't paying any attention to that. A whole bunch of these loans were granted by financial institutions, and sometimes they very aggressively pushed these loans on people who could not afford them.

Now, the banks don't keep these mortgages. They bundle them together and sell them to institutions as individual mortgages, or perhaps as bundles, or mortgage backed securities. And then different players in the financial institutions would buy these securities—made up of shaky, subprime mortgages and they would in turn sell them. A couple years later, when it became apparent that the homeowner couldn't afford to make the payments each month on their mortgage, and the income stream on those mortgages started dwindling, those financial institutions that had bought these bundles of mortgages found themselves with a shortage of cash. They had to start borrowing to make up for their cash shortage, and the whole system started to unravel.

So as we try to straighten out this mess, are we to do what the Secretary of the Treasury has said? Are we to provide almost three-quarters of a trillion dollars—specifically he is saying \$700 billion—in order to infuse capital into these financial institutions? These banks, investment banks, and insurance companies that all fed off this frenzy that saw this balloon get bigger and bigger until it started to burst?

And if we do that, aren't we rewarding the very people whose financial greed got us into trouble in the first place?

I think the answer to that question is yes. So I want to tell the Senate that this Senator is not going to vote for a bailout of the financial institutions by taking nearly 5 percent of the national budget—much of which we will have to borrow from the governments and banks in China and—and give it to these financial institutions. I am not going to vote for that.

At the same time, we are caught on the horns of a dilemma, because the economic recession is slipping into economic catastrophe. So we have to act. Well, instead of providing all the funds at once, I am certainly more inclined to provide an initial portion of funds—say \$150 billion or \$200 billion and seeing how successful the government intervention proves during a 3- or 4-month period, and then coming back. Of course, those on Wall Street will say: No, we have to have the whole amount of \$700 billion in order to give confidence to the markets. But don't we have a responsibility to the taxpayer to make sure these funds are being wisely spent? Can't we provide a substantial downpayment on this problem, and in a few months require everybody to come back and to see whether it is working as we intended?

I think there is some wisdom to that. And I think there is some wisdom to what everybody has been talking about here, that we want to make sure this money doesn't go towards executive compensation and golden parachutes. That is the least we can do.

I was amused to see an article by a conservative columnist—Kristol—which said, well, maybe what we ought to do is put a provision in that no compensation—for the executives of these financial institutions that participate in this bailout—no compensation can be greater than the compensation to the President of the United States. That would certainly get some people's attention. There ought to be some reasonable limits on executive compensation.

The essential question for this Senator, and I think for a lot of my colleagues, is how are we going to get this money into the mortgage market so it will revive lending and restore the housing market? Is this not the purpose of what we are trying to do? Not only save the national economy but get in and resuscitate the housing market. How do we ensure that it does not go solely into the hands of the bankers and the investment bankers and the insurance companies?

Therefore, I suggest to the Senate that we consider a couple of courses. In the process of this package, we should create a loan facility that would work with people who are facing foreclosure. This loan facility could well be run out of Freddie or Fannie. For people who have a problem with a mortgage, this facility would have the legal authority, indeed the mandate, to go in and work

to modify that mortgage, the terms and interest rate, so that in fact those people can still stay in their homes.

I see the chairman of the Banking Committee has come in. This Senator is laying out a suggestion—in addition to that of the esteemed chairman of the Banking Committee, who I think has come out with an excellent product—that in order to get the money, not into the bankers' hands but to get it to revive the mortgage market—in other words revive the housing market—to create a loan facility, within Fannie or Freddie, with the legal authority to get in there and help people change the terms of their loans so they can stay in their homes. Then, second, as the chairman has suggested in his committee package, change the bankruptcy laws so that if someone has gone into bankruptcy, the bankruptcy judge, under law, would have the discretion to change the terms of the mortgage in order to keep the person in his or her home. So, prevent foreclosures through a loan facility with legal authority to modify mortgages, and if the homeowners must declare bankruptcy, give the bankruptcy judge the authority to modify the mortgage. In that way, a lot of the money we are going to put towards this bailout would go to preventing foreclosures.

This Senator speaks as one area of my State, Fort Myers, FL, has had one of the highest foreclosure rates in the country for the past year.

My suggestions are just a start. I think as we look to this huge bailout we also ought to set up a regulatory system for all financial institutions, not just commercial banks. In other words, we should regulate all securities that are traded publicly or privately so we do not face this problem in the future.

Why? Because what happened? They got us into the problem we are in. The financial managers were encouraged to leverage all their investments so much in order to increase their own personal compensation. We ought to avoid that at all costs. Unless we get something that is close to what this Senator is trying to share with the Senate and the esteemed chairman of the Banking Committee, who is going to have more influence on this than any other person in this Senate—he is here—unless we can get these checks and balances in the system, this Senator is not going to vote for it.

It is my responsibility to try to be a careful steward of the money that has been entrusted to me. We are talking about such mega amounts of money that will almost defy description and tie the hands of the next President and the next Congress. We will have borrowed so much extra money that the new Congress and the next President will not be able to accomplish some goals because there will not be any money left for the Federal Government.

I would love to hear from the chairman of the Banking Committee, who I see is ready to speak.

Because he is here, this Senator will yield the floor.

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

Mr. DODD. First, I thank my colleague from Florida. Let me say I am rising to speak on a matter other than the matter the Senator is addressing, but I wish to commend him for his thoughts and ideas on the situation. We have had extensive hearings, of course, yesterday, 5 hours with the Secretary of the Treasury and the chairman of the Federal Reserve Bank and chairman of the Securities and Exchange Commission and the head of this new agency with our GSEs. The House is going to have a hearing today. What is quite clear is the plan, as submitted by the Secretary of the Treasury, I think, generally—I say this politely—but across the spectrum, has been sort of rejected, a three-page bill asking for \$700 billion.

I pointed out to someone yesterday a few years ago you could get a \$100,000 no-doc subprime loan and the paperwork was four pages long. This is sort of a no-doc request here—not to try to be humorous about a situation such as this. But nonetheless we have a lot of work to do to try to put together a plan, but I hope we can do something because the situation is grave and it is serious and we have to respond.

Mr. NELSON of Florida. If the Senator will yield for a question?

Mr. DODD. I will but very quickly. I have about 4 minutes.

Mr. NELSON of Florida. Is the Senator considering one of the things I talked about earlier, that we would not do the whole \$700 million in one swat, but we take a part and say that is good for the next 3 or 4 months and come back and evaluate it?

Mr. DODD. I don't want to negotiate with you on the floor of the Senate. There are a lot of ideas kicking around. I know that is one that has received some consideration.

#### THE EMMETT TILL UNSOLVED CIVIL RIGHTS CRIME ACT

Mr. DODD. Mr. President, I thank the majority leader, Senator HARRY REID. I thank Senator COBURN of Oklahoma as well. He has had a hold on this bill, the Emmett Till Unsolved Civil Rights Crime Act, which I coauthored going back some 3 years ago. In fact, Jim Talent, our former colleague from Missouri, was the original author of this legislation. I was his original partner in this effort going back to 2005. He left the Senate and was replaced by CLAIRE McCASKILL, a great friend and wonderful Senator from Missouri.

I introduced this bill separately along with Senator LEAHY and some 12 other Members of the Senate, including THAD COCHRAN of Mississippi and LAMAR ALEXANDER of Tennessee. This has been a bipartisan effort that has been tied up for the last couple years, regretfully, but nonetheless that is

what it was. Today, the news that this bill has now passed the Senate is good news. I am deeply grateful to the majority leader, again, for sticking with an issue and not walking away from something as important as this is.

Some might argue that this is a long time in coming, others who say it is too little too late. In many ways, I suppose they could be right.

The subject matter, the name on this bill, Emmett Till, dates back 53 years.

Fifty-three years ago, a young boy of 14 was killed for no other reason than the color of his skin. His life was extinguished in the most brutal fashion imaginable.

When Emmett Till's body was discovered in the Tallahatchie River, it had been weighted down by a 75-pound cotton gin fan, tied around the boy's neck with barbed wire. His clothes had been stripped from him and burned. Emmett's body could only be identified by a ring the young boy had been wearing.

At the trial of the two White men who would later confess to the crime, few African-Americans dared to even testify at the trial, such was the atmosphere at the time. The all-White jury acquitted the two men, deliberating for a mere 67 minutes, which one juror reportedly said only took so long because they paused to drink a soda. The rationale for acquittal? That the prosecution had failed to prove that the body recovered from the river was even Emmett Till, so mutilated was his face and body.

A year later, the two defendants bragged about the killing to a magazine for a sum of \$4,000.

Believe me when I say: there was no justice in this case—nor in countless other civil rights cases that remain unsolved to this day.

The failures of our legal system to bring to justice those who committed brutal crimes based solely on racial prejudice is not merely sad or tragic—in a country such as ours and at this moment in our history, it is inexcusable.

The sad truth is that for far too long, hate crimes were rarely investigated in this country. For far too long, murderers could walk free as long as they chose the so-called “right” victims. And so, whatever the merits of this legislation, The Emmett Till Act cannot erase that memory. It cannot erase even a single year that lapsed between crime and justice.

What it can do is keep even more years from piling on.

If we want to remove the great stain on our justice system that is the hundreds, maybe even thousands, of civil rights-era crimes that remain unsolved, we need to reopen the books on as many as we can.

That is what this legislation would do—bring justice to those who perpetrated these heinous crimes because of racial hatred by creating a mechanism that allows us to pursue them.

Can it bring back and make whole those who have suffered and were mur-

dered by a racist criminal hand? Of course not. But in passing this, this Congress can reaffirm our Nation's commitment to the truth and to making equal justice not a dream but a reality.

As such, the Emmett Till Unsolved Civil Rights Crime Act would give the Department of Justice and the Federal Bureau of Investigation increased resources to reopen Civil Rights-era criminal cases which have gone cold—that is, unsolved civil rights murder cases that occurred prior to 1970.

It would do so by designating a deputy chief in the criminal section of the Civil Rights Division of the DOJ and a supervisory special agent in the civil rights unit of the FBI. These officials will be tasked with spearheading and coordinating efforts by Federal, State, and local law enforcement officers and prosecutors to bring long-time fugitives to justice.

For these purposes, it authorizes \$10 million annually for fiscal years 2008 through 2017. This legislation also authorizes \$2 million annually for DOJ to make grants to State and local law enforcement and \$1.5 million annually for the Community Relations Service within DOJ to partner with local communities. I know that sounds like a lot of money, but when you talk about \$700 billion to take care of some failed institutions verses a few million to pursue these cases, I hope my colleagues would recognize the value.

The time has come to confront the injustices of the past openly and honestly. For some of these crimes, it is too late. Last year, Tallahatchie County in Mississippi officially apologized for the trial in the Emmett Till case in which these two confessed killers lived the rest of their lives in freedom. To be sure, they are now dead and beyond the reach of justice.

But there was some measure of justice for the families of Andrew Goodman, James Chaney and Michael Schwerner—young civil rights workers who participated in the historic Freedom Rides in 1963.

Edgar Ray Killen was allowed to roam free for more than three decades. But his belated conviction in 2005 is proof that we can provide closure and hold those responsible for terrible crimes, even years after they have occurred.

With this legislation, we will launch one of the most exhausting manhunts in the history of our country to pursue those responsible for these acts. We can tell those who committed crimes who still roam this country free that they should never, ever, ever again enjoy a sleep-filled night; that is, as long as they live, the U.S. Government, our Government, will do everything in its power to apprehend them and bring them to the bar of justice.

That is the message we can convey today, with this legislation, to the families, the friends, and others who have lost loved ones, who put their lives on the line to press for justice and

for helping our Nation achieve that “more perfect Union” that each and every generation has tried to achieve. Those ideals are at the heart of this effort. We may never be that perfect Union, but, as Abraham Lincoln understood intrinsically, each generation bears the responsibility for bringing us closer to that ideal.

With this legislation, the Senate and this Congress on this date early in the 21st century is saying simply: We will not forget, and we will not yield.

The hour is, obviously, very late. Memories are dimming. Those who can bring some important information to the legal authorities are passing away. This bill may be the last and best chance we will have as a nation to write a hopeful postscript in the struggle for racial equality in our Nation and to provide closure for these families at last.

We all bring a unique commitment to this case. Representative JOHN LEWIS, my great and dear friend in the other body who has worked so hard to see this bill become law, was a hero of the civil rights movement—is still a hero, I might point out—who nearly gave his life ensuring that the promise of America can be realized for all of our citizens and in all of our communities. Others may simply recognize when justice has not been served.

I have spoken many times about my father on this floor, in this Chamber, about how in the 1930s he was among the first, as a member of the Justice Department, long before the Civil Rights Division, to prosecute the Ku Klux Klan and other civil rights cases for the Department of Justice. I have spoken about his work as a prosecutor pursuing Nazi war criminals at the Nuremberg war trials, where he stood face to face with the men who committed crimes that were so horrifying, so enormous, that few believed they could have possibly happened—until, that is, my father set out meticulously proving them, step by step, piece by piece. I believe the same is true of civil rights crimes in this country.

His body of work, including his service to this body, never fails to remind us that when we reaffirm our commitment to the rule of law, when we act not out of vengeance but in pursuit of justice, we most live up to the promise as Americans. However tardy that pursuit may be, affirming that enduring commitment is what this effort is about today.

Again, I thank immensely the majority leader and others who have been a part of this effort. We thank Jim Talent, the Senator from Missouri, who originally authored this bill, and I am proud to have joined with him some 3 years ago and proud to have picked up that mantle in this Congress, along with, as I say, 13 of our other colleagues here, to be a part of this effort that has produced this passage a few minutes ago.

I wish to thank the steadfast support of allies and friends such as JOHN

LEWIS in the Congress, the House of Representatives, who made this possible, and many organizations that helped us shepherd this legislation through the Senate: the NAACP, the Southern Law Poverty Center, the Leadership Conference on Civil Rights, and so many others.

In addition, I thank the Emmett Till Justice Campaign and its president, Alvin Sykes. We heard Senator COBURN talk about this a few moments ago, and I wish to associate myself with his remarks. He is a remarkable individual. Mr. Sykes's determination has helped the Senate get to this historic moment.

I wish to mention Simeon Wright, as I had the pleasure of meeting Simeon Wright and his wife a few weeks ago. Simeon Wright is Emmett Till's cousin, and he was sharing that bed with him that night 53 years ago when his cousin was ripped out of that bed, never to be seen again, except for his mutilated body. Simeon Wright is getting on in years now. But it was an honor to meet him and his wife, and his determination and commitment on behalf of his family helped us arrive at this moment. So to Simeon Wright and his family, the moment has come, and this bill will now become law.

It is vital that we bring to justice those individuals who committed these heinous crimes. It is essential to their families that we reaffirm this Nation's commitment to the rule of law.

I thank all of my colleagues for supporting the Emmett Till Unsolved Civil Rights Crime Act.

I yield the floor.

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

#### MEDICAL "NEVER EVENTS"

Mr. BARRASSO. Mr. President, this morning I would like to speak about medical safety, about patient care, about the cost of that care, and about how Medicare is dealing with this.

In 1999, the Institute of Medicine issued a groundbreaking report on medical errors. The report was called "To Err Is Human: Building a Safer Health System." The Institute of Medicine findings provoked heated and extensive professional and public dialog. The report left few doubting that preventable medical injuries occur and continue to be a serious problem in America.

It identified a number of solutions, solutions to stop hospitals and physicians from performing unsafe practices. It also asked lawmakers to partner with health care providers to create and to adhere to strict, ambitious, quantitative and well-tracked national goals.

The National Quality Forum Set out to do just that. The forum's mission is to bring people together to create health care quality initiatives that are safe, effective, and patient-centered.

In 2001, the former National Quality Forum CEO first coined the term

"never event." Well, he was referring to particularly shocking medical errors that really should never happen, medical errors such as surgery performed on the wrong body part, surgery performed on the wrong patient, or the wrong surgical procedure performed on a patient.

By 2002, the National Quality Forum had identified 27 so-called never events. Now, the "group" is listed in six different categories: surgical, product or device, patient protection, care management, environmental, and criminal.

The Agency for Healthcare Research and Quality says that most never events are very rare. They estimate that a typical hospital might have a wrong-site surgery case once every 5 or 10 years.

As public reporting on health care quality gained momentum, lawmakers focused on eliminating never events. They did it as a way to increase accountability as well as to contain costs. More and more surgeons began physically signing the surgical site with a marking pen in the pre-op holding area. Now, they did this while the patient was still awake just to make sure everyone agreed what operation was being done on what body part.

The Deficit Reduction Act of 2005 required the Secretary of Health and Human Services to select at least two conditions that could be reasonably prevented. This is where Washington went too far. The Washington bureaucrats identified eight conditions as never events. Here is the list: object left in during surgery; air embolism; blood incompatibility; pressure ulcers; falls and trauma; catheter-associated urinary tract infections; vascular catheter-associated infections; and surgical-site infection. Why is this important, this list of eight? Well, it is important because some of this list of eight conditions really should never happen. Some of these eight conditions, though, can and do occur with regularity, even under the best of circumstances.

Well, what is the impact of the rules on patients and the medical profession? Medicare says it will pay to treat the underlying diagnosis but will not pay the hospital to treat complications from any of these eight conditions if the medical problem develops during the patient's hospital stay. For example, the patient is treated for a stroke, has no other complications during the hospital stay, and the hospital is paid a little over \$5,000 by Medicare. If the same patient was to have a severe pressure ulcer when they arrived at the hospital in addition to the stroke, Medicare pays about \$3,000 more for the treatment of both the stroke and the ulcers. But Medicare says: If the pressure ulcers developed after the patient arrived at the hospital, then Medicare will only reimburse to treat the stroke, not to treat the pressure ulcer.

The problem with pressure ulcers is they will not show up until the patient has usually been in the hospital for

awhile. The damage to the tissue occurs at the time the patient with the stroke or with a broken hip lies motionless at home waiting until someone finds them, as often happens with somebody who lives alone. The damage occurs before the patient is even taken to the hospital, but the hospital is going to lose up to \$3,000 to treat the pressure ulcer regardless of the medical condition that caused the problem in the first place. The bureaucrats are saying it should never happen, yet it happens all the time.

Although the never events program is in its infancy, I am troubled by the direction these Washington bureaucrats are headed. I believe the negative long-term impact on patient care is going to be significant. This year, Washington bureaucrats expanded the never events. They expanded the list to include even more conditions: surgical-site infections following elective procedures, blood sugar control, and deep-vein thrombosis/pulmonary embolism.

When you take a closer look at the entire process, it does show a disturbing trend. I agree that a foreign object left behind inside a patient after surgery is an event that should never occur. The fact is that most of the never events on the Government's list, selected and targeted in the rule-making process, are impossible to eliminate.

These bureaucrats clearly did not fulfill their requirement in the Deficit Reduction Act, a requirement to choose never events that are reasonably preventable by applying evidence-based guidelines. To be reasonably preventable, the Washington bureaucrats must have peer-reviewed, published literature showing clinicians can reduce the incidence of the chosen never event to zero or near zero. Current data shows that even when all appropriate care is administered, we do not know how to reduce the rates to zero or near zero of many of the conditions now on the list. Some patients, particularly high-risk folks, will develop conditions on the list regardless of how good the care is that they receive at the hospital.

Here is an example. The bureaucrats have listed deep-vein thrombosis/pulmonary embolism as a never event. Well, the best scientific studies on large numbers of total hip and total knee procedures—and this is from the time I started in medical school and we were trying to lower the risk of those blood clots—showed that under no circumstances, no matter what different treatments the best scientists have come up with, there is no current treatment available today worldwide that would decrease the blood clot risk to zero.

Now, I want to tell you about a patient who had a broken hip, a broken hip on the left side, and at the same time of the injury, she bruised her right hip but did not break it. We know that patients with either a broken hip or who have received an artificial hip,



that right after surgery, for the first couple of weeks, they have an increased risk of getting a blood clot. We treat them with blood thinners. Still, blood clots happen.

So this is a patient who was given a blood thinner. We were trying to find out what the right delicate balance was. We worked with an internist and others. We thought we had the right delicate balance for the right dose of medication. On her right side where she had the bruise, she bled into that wound, and that bruise got more blood accumulated, a hematoma. On the left side, the side with the broken hip, she got a blood clot. She was on the blood thinners and bled into the one side, had a blood clot on the other side, and yet they call it a never event. How can Washington bureaucrats say that this is a never event?

Let's look at another so called never event that made the list. Many of the ventilator-assisted pneumonia cases I saw practicing medicine in Casper, WY, occurred in trauma patients. The Wyoming Medical Center is a centrally located trauma facility. I saw patients brought in from accidents that occurred around all the State.

Many of the patients are treated and stabilized at a local hospital 100 to 250 miles away. They are transferred to the Wyoming Medical Center. Trauma physicians have no way to determine whether the pneumonia is secondary to aspiration that occurred right there at the site of the accident or whether it occurred as a result of something that happened at the first hospital. In the physician's initial assessment, a pneumonia has not yet developed. It takes time before it shows signs. Even the Washington bureaucrats that wrote the proposed rule agree. The rule is clear and scientific evidence is clear that 60 to 80 percent of ventilator-assisted pneumonia cases cannot be prevented. How can they call that a never event?

I have been a doctor for 30 years. I can share lots of similar examples with Members. Each example begs the following question: So what if the never event occurs in one hospital and then the patient needs to be transferred to another medical facility for advanced specialty care? Medicare says they are not going to pay for that treatment. Does that mean the second physician in the second hospital will not get paid? If the receiving hospital will get paid but the first one will not, isn't that surely going to lead to more transfers from one hospital to another, moving the patient from a hospital where the hospital will not get paid to the hospital where payment will occur?

Look at it on the other side. If the receiving hospital will not get paid for a complication that occurred at the first hospital, then why should they accept the patient in transfer for the care they need? Is there any way for hospitals to appeal the decision of the Washington bureaucrats? What impact will this whole process have on medical liability? Will this list of so-called

never events lead to increased litigation? After all, if something is never supposed to happen because the Government list says it doesn't but then it happens, does that mean someone is at fault?

Where guidelines and proven medical strategies exist, doctors and hospitals strive every day to make sure serious adverse events do not ever occur. Never events should never occur.

It is important to remember that the 1999 Institute of Medicine report which called attention to medical errors in the first place said bad systems and not bad people lead to most errors. As an orthopedic surgeon, I have spent my entire professional career trying to make people better. I have been on call in the middle of the night when folks have been involved in traumatic accidents. There are people with incredible talents practicing medicine, trying to do their best, but government policies continue to needlessly hamstringing the ability to help their patients. The health care of this Nation is going to be hurt by the direction that Washington bureaucrats are headed.

"Never events" should never happen. When Washington bureaucrats stretch the meaning of the word "never" to keep from paying hospitals, they mislead the public and cheat our Nation's hospitals and health care providers. Perhaps Washington should start to focus its regulatory efforts on eliminating waste, fraud, and abuse in the Medicare system. This year alone we have seen one news report after another uncovering Medicare wasting American tax dollars. Medicare is paying billions for wheelchairs, prosthetics, canes, prescription drugs, and other medical supplies, as the report shows, all prescribed by doctors who are dead, some who died 10 years ago. The Washington check writers honored hundreds of thousands of these fraudulent claims. I wonder who is holding these bureaucrats accountable.

In 2001, they pledged to fix the problem identified by the Health and Human Services Office of the Inspector General. That was 7 years ago. Recent reports estimate Medicare loses approximately \$70 to \$90 billion each year to waste, fraud, and abuse. This strips our health care system of vital resources, resources we should be devoting to care for the elderly, the frail, the vulnerable. Federal officials have an opportunity to show leadership. They could have chosen to work with hospitals and physicians to develop evidence-based guidelines. Instead they have decided to issue a rule aimed at withholding money from hospitals, not improving patient care.

It is time to rethink this flawed policy. Policies must work to improve patient care, not to punish hospitals. Hospital doors must remain open.

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

The PRESIDING OFFICER (Mr. NELSON of Nebraska). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

## ENERGY

Mr. CORNYN. Mr. President, I was pleased to see a report that the continuing resolution that will keep the Government running while Congress adjourns during the election period and beyond, that the continuing resolution proposed by the Democratic leadership in the House will actually eliminate a moratorium or a ban on drilling and exploration in the Outer Continental Shelf, which is, of course, the submerged Federal lands off our coastlines which are reported to have, by all of the experts, huge volumes of oil and gas. This actually represents a tremendous development in the Congress.

For a long time now we have been saying we need to develop more of America's natural resources, American energy at home, so we would be less dependent on imported oil and gas from the Middle East. Until this point, those entreaties, those pleadings, those requests had fallen on deaf ears, it seemed. But I congratulate the Democratic leadership in the House. This could go down as a bipartisan success of which we should be proud.

I remind our colleagues this is only part of the equation. We have said we need to find more American energy so we would be less dependent on imported oil from the Middle East. Where might we find that? It has been documented that deep sea exploration in the Outer Continental Shelf, the submerged lands off our coastlines, could produce as much as 14.3 billion barrels of oil. That is a lot. The western oil shale—which I am unclear whether the continuing resolution will deal with, but which has currently received a ban on development and exploration of western oil shale—is projected to have the equivalent of 800 billion barrels of oil. That is even more than the Outer Continental Shelf. Then there is, of course, the Arctic Coastal Plain which is estimated to have 10.4 billion barrels of oil, for a total estimate of 824.7 billion barrels of oil right in the good old U.S. of A. This would eliminate all oil imports, once it was on line and was being produced, for more than 198 years. These are fantastic numbers and time periods. I know it is hard to conceive, but even if these numbers are not exactly right, what it demonstrates is that we have a lot of great oil and gas reserves in America. And all of the money that T. Boone Pickens, through his advertising campaign to raise the visibility of this issue, all the money which he has documented, which we are sending overseas to buy oil and gas, we could actually reduce that dramatically by producing more at home.



We have said, of course, it is only part of the equation. While we need to find more, we also need to use less.

Yesterday we also did the third leg of the stool. We voted to extend the various tax credits and subsidies that would encourage development of alternative sources of energy. In Texas, we are known as an energy State. I bet most people would be surprised to know that in addition to oil and gas, we are the No. 1 electricity producer in the Nation from wind energy. Obviously, those alternative sources of energy are very important.

I caution my colleagues to the fact that no matter how much we act to eliminate the moratorium on the ban on offshore exploration, we still haven't done enough to open western oil shale. We still haven't done anything to open exploration and production in the Arctic Coastal Plain. I know while this 824 billion figure seems like a lot, it is estimated, once on line, it would produce about 3 billion barrels of oil a day, reducing our dependency. Just as the President's elimination of the executive ban on offshore exploration is a hopeful sign and elimination of the Federal moratorium on exploration and production in the Outer Continental Shelf is likewise a hopeful sign, it is a necessary but not a sufficient answer to the problem. That is because significant oil and gas reserves that exist in America, where producers and leaseholders already have a right to explore and produce that oil and gas and where they have invested more than \$2 billion into these projects, because of lawsuits, opponents have blocked drilling in a way that, unfortunately, is going to take years and years and years to resolve.

There are many examples of litigation thwarting approved drilling projects on existing leases. The area I am talking about specifically is, the Federal Government has leased land and approved drilling in the Beaufort Sea off the coast of Alaska's Arctic National Wildlife Refuge. Too often, long-term planning and heavy investments of human and financial resources necessary to develop and produce these reserves are frustrated, and future investment discouraged, when projects that have been extensively reviewed and approved by the responsible Federal agencies are shut down and effectively thwarted by frivolous litigation.

It is undisputed that oil and gas can be extracted from below the surface in a cleaner and more environmentally sensitive way than ever before. This is something that is vividly demonstrated by the fact that if you land or take off from an airplane at DFW Airport in the metroplex of Texas, the Dallas-Fort Worth area, you can actually land at the DFW Airport and you will see a number of drilling rigs on the DFW Airport property. What they are drilling through there is something called the Barnett Shale, a prolific producer of natural gas right there in a highly populated area. It is being done in an

environmentally responsible way, a way that is safe to the human occupants of that area and a way that, because of modern drilling technology, you can use a single well bore and basically go in all directions by thousands of feet and produce a lot more natural gas than you could have using old drilling technology. So just like when it comes to coming up with better sources of alternative energy, technology has produced a more efficient, more environmentally responsible way of drilling for oil and gas right here in the United States.

But to get back to my point, even if we lift this ban—all of these bans—unless we do something about the limitless litigation that prevents drilling from ever starting, we might as well have done nothing because this effectively shuts down drilling and production of American energy as much as any moratorium could. Unless we reform this litigation system, any repeal of a drilling ban does nothing to help consumers at the pump.

So I urge my colleagues to work with me and all of us who are interested in trying to find a solution to this tremendous dependency on foreign oil. Lifting the moratorium is an important step. I congratulate the Democratic leadership coming together with Republicans who have been calling for this for many months now. But no one should be fooled—and this would be the most cynical of all—if Congress pretended to actually be solving a problem when we know that this frivolous litigation effectively bans development of America's natural resources. This would be the most cynical move of all if we did nothing about that second part, about the frivolous litigation, because already I think people across America look at Congress as appearing to do things, perhaps superficially appearing to be responsive to their concerns, but in the end roadblocks continue to exist which impede, if not block, any realistic reform or progress on the particular subject.

So this is something I hope we will not give up on. I think today if, in fact, we do pass a continuing resolution that eliminates the moratorium on Outer Continental Shelf exploration development, it will be a great day. It is a necessary—again, a necessary—but insufficient way of addressing the ultimate dependency on imported oil.

We know high energy prices affect our economy. As a matter of fact, even though prices have dipped some, the fact is, today, according to USA Today, the average price of gasoline is \$3.72 a gallon in America. It had gone as high as \$4.11 a gallon and has come down a little bit, but it is hard to remember just a year ago a gallon of gasoline sold for an average of \$2.80 a gallon. In other words, it is up about 92 cents a gallon over a year ago, even though it has come down a little bit.

The underlying problem that is putting so much pressure on gasoline and oil prices is, of course, the law of sup-

ply and demand and the fact that growing economies such as India and China are using more and more energy, which means we are competing globally for the same oil, which, of course, unless we produce more, the law of supply and demand tells us the price will continue to go up.

So we should not be fooled into thinking we have solved the problem by eliminating only the moratorium on the Outer Continental Shelf—and there is more that remains to be done with the western oil shale and the Arctic Coastal Plain—we should not fool ourselves into thinking we have solved the problem, even if we were to lift those moratoria, unless we address this frivolous litigation that has had a way of bogging down this development in areas already leased and where leaseholders and producers have already invested billions of dollars. We need to do something about that.

So I hope we will return—if not this week—and my hope would be we could do this at the same time. There are a number of proposals. Congressman SHADEGG over in the House of Representatives has done good work in this area. Senator TED STEVENS from Alaska has some very good and interesting proposals. I have heard Senator KIR BOND of Missouri talking about some ideas he has. I have a proposal we have been working on that we think will address the delays in this frivolous litigation, while preserving to those who were genuinely harmed the right to recover compensation if, in fact, there is damage as a result of some misconduct on the part of the individuals who are producing or exploring for energy in America.

So far so good. I think we ought to acknowledge the progress that is being made after all of these months. But we are not there yet. I hope we will see continued cooperation as we actually help to bring down the price at the pump and reduce America's dependency on imported oil in a way that endangers our national security and threatens our economy at a time when our economy is quite fragile indeed.

Mr. President, I ask unanimous consent to speak for an additional 5 minutes.

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

Mr. CORNYN. I thank the Chair.

#### THE ECONOMY

Mr. CORNYN. Mr. President, I want to say a few words about the principles that will guide my consideration and my vote on the proposal made by the administration, by the Secretary of Treasury, Henry Paulson, and Ben Bernanke, the Chairman of the Federal Reserve Board.

I have to tell you I am extremely upset we find ourselves in this terrible situation. I can tell you the phone calls I have been getting from my constituents are that they are overwhelmingly angry at how we could possibly find ourselves in this situation.

First of all, I think there has been a perception that—listening to Treasury Secretary Hank Paulson—is actually not true: that this is somehow a bailout for Wall Street. In other words, the people who have profited mightily from the enormous sums of money that have been made recently on Wall Street, in the end, they are going to get off scot-free and the taxpayer is going to end up holding the tab. That is completely unacceptable.

First and foremost, I think we need to ask ourselves how we can protect the American taxpayers. The vast majority of Americans played no part in the collapse of some of the largest financial institutions in America, and they should not be forced to pay the price for the irresponsible and risky conduct of those who were at fault.

Secondly, we need to make sure this American economy remains stable and that small businesses, which are the lifeblood and the job creators in our economy, have the ability to grow and to create new jobs.

I think in the end economic growth is the key. What can we do to keep this great economy growing and producing jobs? I believe responsible tax relief helps small businesses grow and helps create jobs. Now, how would I know that? Well, all I would have to do is look back to the tax relief we passed in 2003, which cut the dividends and capital gains rate, which gave rise to a net increase of about 7 million jobs in America. That is what life was like before we hit the subprime mortgage crisis and high energy prices.

But we ought to look to what works, and we should not use this as an excuse to grow the size of Government and increase the size of the tax burden on hard-working American families and small businesses because that will make things worse, not better.

Third, we need to ask ourselves if this proposal does enough to safeguard transparency and accountability. Frankly, I think a lot of work needs to be done here. I think the very fact that Moody's and other entities which actually grade the investment value of many of these mortgage-backed security projects completely missed the target and failed to predict the precipitous drop in value of these subprime mortgages and the securities that are backed by these mortgages is evidence this is simply an opaque and nontransparent system and that not even the people who should know were able to evaluate what the true value of these mortgage-backed securities were. So I think we need to have certainly more transparency in this process, and we need to make sure those who are responsible are held accountable.

I am very pleased to hear in today's news that the Federal Bureau of Investigation has decided to investigate, among others, the actions of Freddie Mac and Fannie Mae to determine whether fraud or corruption on the part of key players was the cause or contributed to the cause of our current

financial turmoil. After the collapse of Freddie and Fannie, I sent a letter to the Attorney General of the United States, Michael Mukasey, and asked for a full investigation because in 2006 the very titans of industry who reaped millions of dollars in financial gain ended up with a slap on the wrist and no criminal penalty for cooking the books in order to generate larger bonuses and financial returns for themselves. That is completely unacceptable.

We need to make sure those who are responsible for precipitating this financial crisis are held accountable. If that means they are guilty of crimes, they should go to prison and pay the price as an example to others who would take advantage of the American taxpayer and would be motivated by the kind of greed that lets them forget their responsibilities not only to their shareholders but to the American people themselves.

So I am pleased the Attorney General is taking an aggressive posture and the Federal Bureau of Investigation is going to be conducting a thorough investigation. I say let the chips fall where they may. I do not care who it is. I hope they will pursue that to the fullest extent of the law.

Mr. President, I appreciate the opportunity to come and address these very important topics, and I hope that as the days go by Congress can work together in a bipartisan manner to try to find a way to address these problems. But certainly the initial proposal by the Secretary of Treasury is unacceptable on a number of bases, but he has my commitment, as do my colleagues, that I will do my best to work with him to try to protect the American taxpayer.

The PRESIDING OFFICER. The Senator from Ohio.

#### ECONOMIC POLICY

Mr. BROWN. Mr. President, I appreciate the opportunity to address the Senate today. I second the words of my colleague from Texas of the concerns of this economy and question how we got here. It is pretty clear to me, with 8 years of Bush economics, with deregulation of Wall Street, more tax cuts for the rich, and a trade policy that Wall Street has pushed through the House and Senate, these job-killing trade agreements that have caused literally millions of manufacturing jobs to flee our country, combined with a tax policy that gives incentives for companies to go overseas, rather than passing Senator OBAMA's, Senator DURBIN's, and my Patriot Corporation Act, which gives incentives for those companies that are staying right here in the United States, whether it is in Omaha or Cleveland, whether it is in Houston or Columbus, those companies that play by the rules, rewarding them with tax policy and others that those companies deserve.

Let me, for a moment, Mr. President, take the Senate around on a tour of my

State. There are so many good things happening in Ohio. I was with Governor Strickland for a couple days on Friday and Saturday going through eastern and southern Ohio. We were talking with people we met and talking to each other about all that is happening in our State, all the good that is happening, particularly in the area of biomedical research and development and job creation and especially in alternative energy.

Ohio is on the precipice—as many of us have pushed for in my State for many years—Ohio is on the precipice of being the Silicon Valley of alternative energy. It started in Toledo, which has the largest solar energy manufacturer in the country. The research going on at the University of Toledo on wind turbines is the furthest reaching, furthest advanced research in the country.

Go around the State to Akron and you can see what the University of Akron is doing with polymers and the kind of spinoff of jobs replacing lost jobs in the auto industry.

Go to Dayton where we have the National Composite Center that is making major contributions with lighter, stronger, more durable materials that can help with more efficient, better mileage automobiles, not to mention what they are doing on alternative energy with wind turbine blades.

Go to Cleveland and look at what the Case Western Reserve University, in conjunction with the Cleveland Foundation, is doing with plans to be the first place in the world where there will be a wind turbine farm in fresh water off the coast of Cleveland in green Lake Erie, supplying much of the electricity needs of northern Ohio.

Go to Columbus and look at the Center for Automotive Research and the work they are doing for Ohio State. Look at the great university facilities at Cincinnati Children's Hospital and the University of Cincinnati and what they are doing on biomedical research and alternative energy too.

You can see in my State of Ohio, as many jobs as we have lost, this State is coming back.

Now, we can't do what we need to do—and the Governor was emphatic about that, as I am in the Chamber of the Senate—we can't do what we need to do unless we get a little more help from the Federal Government, not so much giving us things but just not standing in our way.

Instead, we have seen, for the last several years in our State and in our country, a betrayal of the middle class. The drug companies wrote the Medicare law, the insurance industry has written health care legislation in this Congress, the oil companies have dictated energy policy, and Wall Street has pushed through these job-killing trade agreements. On issue after issue after issue, the Republican majority in the House and in the Senate, for most of the last 8 years, and the Bush administration have betrayed the middle

class and the values that we as a nation and that we as a State find so important.

All you have to do is look at what happened yesterday in the Banking Committee when Secretary Paulson and Chairman Bernanke testified. I have a lot of respect for Chairman Bernanke. I think he has moved as quickly as a Fed Chairman can in dealing with the housing crisis in most cases, certainly compared to his predecessor, who helped to set the table for a lot of these problems. I have a lot of respect for him. He and Secretary Paulson testified before our committee. They had some interesting ideas, as the Senator from Texas, Mr. CORNYN, mentioned a moment ago. I don't buy their solution: Give me \$700 billion and a blank check and I will try and figure out how to do it; buying these troubled assets, without any rules to it. It is dead on arrival in my belief.

But what my colleagues don't bring out, when we have this terrible problem on Wall Street, is how we got there. It is this betrayal of the middle class that has been brought to us by the Bush administration—the deregulation of Wall Street. Wall Street people are always going to be aggressive. They are all going to look for money-making opportunities. They are all going to play on the edge sometimes and take risks. But until the Bush years, there have been rules in place that keep Wall Street from going over the line, that keep Wall Street in check, that still capture the energy and dynamism of capitalism but don't allow them to go overboard and do what they did. That is what has brought us to this today, coupled with the tax cuts and the incredible profits of Wall Street firms, the incredible bonuses, eight-figure bonuses. When I say eight figure, that means \$10 million and up; bonuses that too many of these Wall Street executives had while they were inflicting damage in Maple Heights, in Garfield Heights, in Norwood, and in places all over my State that are suffering from the home foreclosure crisis.

So we got to this place where Wall Street overreached, where their greed overcame all other sentiments, and we got to this place because of the Bush deregulation of Wall Street, because of the tax cuts, because of this trade policy that has betrayed the middle class. As far as I am concerned, three strikes and you are out. This deregulation, the tax cuts, and trade policy clearly have put us in a place where my State has lost 200,000 manufacturing jobs since George Bush took the oath of office. I see the pain around my State, even though we are fighting back. Even in that initial trip around the State that I took my colleagues on, people in my State are hurting. In the last year and a half, since I was sworn into the Senate in January of 2007, I have held almost 120 roundtables in my State—from Ashtabula to Middletown, from Gallipolis to Toledo—and in these

roundtables I will invite 15 or 20 people from the community or 15 or 20 veterans or 15 or 20 farmers, a cross-section of the community, and talk to them about their hopes and their dreams. Increasingly, I see fear. Increasingly, I see anxiety about the future because they know their Government simply hasn't been on their side.

So I think about this deregulation, the Bush-Cheney-McCain deregulation. We know that our colleague, Senator MCCAIN—who has not been here very much in the last year and a half because of the Presidential campaign—has consistently pushed for deregulation. He has, in the last few months, become a raging populist. He almost sounds like some of the great populists who sat in this Senate over the last 100 years. He almost sounds like Paul Wellstone. He almost sounds like Senator LaGuardia from New York, people who fought for the common man. But this is sort of a new JOHN MCCAIN than before when he was for the tax cuts, when he was for deregulation. More importantly, Senator MCCAIN has been one of the prominent cheerleaders for deregulation which got us into this position on Wall Street. Now he is saying the President should fire Chairman Cox. He is saying we should go after these Wall Street executives, things he never dreamed of saying until he decided it was good for his Presidential campaign.

In the past, Senator MCCAIN has said he doesn't know much about economics, and what he does know he learned from one of our colleagues, Phil Gramm. Phil Gramm was the architect—JOHN MCCAIN's mentor in the Senate, particularly on economic issues—Phil Gramm was the prime architect of this deregulation scheme that has so pushed us behind the eight ball and that is so troubling, frankly, to the direction we are now going. I think if we hadn't had this deregulation of Wall Street, we wouldn't be in the position we are. I don't know that Senator Gramm gets it, still. Phil Gramm has said we are not in a recession; that Americans are in a mental recession. When people complained about that statement saying: Look around; all you have to do is look around, Phil Gramm said the American people ought to quit whining. It is easy for him to say. He is a major bank executive. He is a lobbyist—he is a major bank executive and he has made so much money. He is the Senator who supported Enron and all its problems. We know that following his economic advice is not the way the country should go.

I come to the floor today for one more purpose, and that is to sound the alarm on what this privatization, deregulation scheme is all about. Imagine if we had followed what Senator MCCAIN had said in 2005. In 2005, President Bush was sworn in for his second term on January 20. Two weeks before that, the House and Senate began their sessions. We were sworn in. I was sworn

in as a Member of the House of Representatives in those days. Soon after our swearing in and soon after the President's swearing in, the President unveiled his major domestic policy initiative, which was to privatize Social Security, to set up these private accounts. Democrats opposed them in a unified way in the Congress. In the House and Senate, almost every single Democrat—maybe every single Democrat—opposed them. People in the country said no. Democrats said no. All over the country, citizens, Independents said no, Republicans said no, this was a bad idea.

Mr. President, I ask unanimous consent for 3 additional minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. BROWN. I thank my colleague from Florida.

Imagine what would have happened if we had gone along and if the country hadn't said no to this Bush-Cheney-McCain privatization scheme: Americans now would find that these private accounts weren't quite what they were billed to be. They were, in fact, as risky as many of us said. Because of the promises of: Let's put our private accounts—let's put our hard-earned Social Security dollars in New York; let's have Wall Street manage our private Social Security accounts—we all know what would have happened with the vicissitudes and the volatility of the stock market.

My last point is Senator MCCAIN has recently called himself fundamentally a deregulator and he is sort of the deregulator in chief in the Senate. But he has come up with something else. He wrote in this month's issue of *Health Magazine* that it would still be a good idea to deregulate the health insurance market: "As we have done over the last decade in banking."

I don't get it. I don't know how any Member of this body, if he ever goes home or she ever goes home and talks to voters, how they could think that deregulation of banking, deregulation of health care, let's give more power to Wall Street and deregulate banking; let's give more power to the health insurance industry and deregulate health insurance, it would make any sense at all. I think that, perhaps, more than anything, shows the fork in the road we are at in this country.

In this Senate and in the House and in the elections, we have a choice. Do we want to continue down this path of deregulation and betrayal of the middle class by a government that has turned this Government over to interest groups—the drug companies writing the Medicare law, the insurance companies writing the health care legislation, the oil companies writing energy policy, Wall Street pushing through these job-killing trade agreements—do we want to continue to go in that direction or do we want to go in a different direction that will put the middle class first. I think the choice is

clear, and I think we will see that in the upcoming weeks.

Mr. President, I yield the floor, and I thank the Senator from Florida.

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. MARTINEZ. Mr. President, I have some remarks I wish to make about the pending matter of the financial crisis we are facing, but before I do I guess I have to make some comments about some of the things my distinguished colleague from Ohio had to say. It was a great speech for a Presidential race, but I don't think it touched on some of the very important issues our country is facing right here and now, the big decisions we have to make and that we have to do in a bipartisan way.

We cannot rewrite history because it sounds good. We cannot rewrite history because it helps the Presidential campaign that one might want to see succeed in the next 40 days.

The fact is we had a regulation bill before the Senate: S. 190. I was a cosponsor of it. Senator JOHN MCCAIN was a cosponsor of that bill. That bill could have regulated Fannie Mae and Freddie Mac. It got nowhere. The silence on the other side of the aisle was deafening. This was in 2005. It wasn't that long ago. There was an opportunity then for all to come around the idea that Fannie Mae and Freddie Mac were at the heart of the problem we have faced in this financial crisis, and they should have a strong, world-class regulator. I wish to talk more about that in a moment. When we talk about a betrayal of the middle class, wouldn't it have been a good idea if we had rallied around JOHN MCCAIN, ELIZABETH DOLE, JOHN SUNUNU, MEL MARTINEZ, and others who were supporting the idea that we needed a strong regulator for Fannie Mae and Freddie Mac; that they were undercapitalized, and until they had a world-class regulator, it would be business as usual, and they would continue to pass their largesse around the Congress among their favorites. The fact is we did not get that bill passed in 2005, when it might have made a difference.

It is also easy to talk about this administration and attempt to rewrite history. It is probably more politically expedient not to defend this administration, but I was a part of it. From 2001 to 2003 I served as Secretary of Housing and Urban Development. I came before the Congress and I testified before the House and the Senate Banking and Financial Services Committees, respectively. I had on my side the Secretary of the Treasury, John Snow, who was the Secretary at the time. What did we tell the Congress? We told Congress that we thought Fannie Mae and Freddie Mac needed a strong regulator, that they were thinly capitalized, and that they posed a systemic risk to our economy. I don't know if Senator BROWN, at the time a Member of the House, had an opportunity to hear or read our testimony,

but if he had, he would have known that this administration was for a stronger regulatory scheme for Fannie Mae and Freddie Mac.

I would also say to the Senator from Ohio, when he talks about deregulatory schemes and tax cuts, the fact is the tax cuts we have had in place brought us out of a recession which we were in in 2001. We have short memories, I know. I know we have a 30-second sitcom memory, but we should remember that in 2001, when President Bush came into office, this country was in a recession. We came out of that recession as a result of a lesser tax burden on the American people that created jobs and that got this country moving again.

One last thing I will say before I go to my remarks that I planned to make. When we talk about trade agreements that lose jobs, stalling a trade agreement with the country of Colombia, in addition to not serving our security interests, is costing jobs in Miami, in Port Everglades, in the Port of Tampa. These are good-paying jobs. These are the kinds of jobs that people today in Florida, with unemployment over 6 percent, would stand in line to be able to have. These are good-paying jobs at the ports—ports that would trade with Colombia. The No. 4 trading port in America with Colombia is in Tampa. Jobs would be created in Tampa, FL, if we were to trade with Colombia and if we were to have a free-trade agreement with Colombia. Over \$1 billion in increased trade, in increased jobs, in increased dollars flowing into Florida's economy would be created if we would pass that free-trade agreement, which is stalled because we are doing the bidding of the big labor unions that don't want to see it happen.

#### FINANCIAL RESCUE PLAN

Mr. MARTINEZ. Mr. President, let's now talk about the moment at hand. The seriousness of the moment could not be more overstated or understated. This Congress is about to consider the most important legislation affecting our financial markets, I would say for a generation and possibly in the history of our country.

The American people must understand exactly what is at stake as we begin to consider this legislation. This is something we have to do, putting aside partisan rhetoric, putting aside the fact that in 40 days we have a Presidential election.

We have to put aside the partisanship and shed ourselves of that rhetoric. That rhetoric just invites more and more acrimony. The fact is, we have to come together not as politicians but maybe in a rare moment of statesmanship to look at this legislation and this serious and sober moment that our country faces.

What happened is that the credit markets have quit functioning. Credit cards, car loans, home equity loans, home mortgages, business loans—all of these loans are impacted. Business

loans, which keep large and small businesses operating, have ceased to exist. They cannot get the credit that is necessary to operate their businesses. The financial markets are not functioning, putting in jeopardy our entire economy. The entirety of our economy is at stake in what we are dealing with now.

Without timely Government intervention, the financial system as we know it no longer will exist. This will impact each and every American family, and it will impact them not just for the next month but for years to come.

This isn't a Wall Street versus Main Street argument. This isn't about dividing us and trying to gain political advantage by the division it creates. This is about every American's ability to pursue his or her American dream. Without liquidity in the marketplace, financial transactions just come to a halt. That will create a complete collapse of our financial system as we know it.

So the need to act has become clear. Treasury Secretary Paulson has asked for the authority to purchase illiquid assets from financial institutions in an attempt to get the markets functioning again.

With that authority comes great responsibility, and Congress has an obligation to the U.S. taxpayers to ensure that any program is crafted and carried out with appropriate oversight.

Congress should consider limiting executive compensation in any package we discuss. Congress will have to engage in active oversight of Treasury as they implement whatever plan we ultimately approve. So there should be no blank check, and there will be no blank check.

Let me also mention I am very pleased to learn of ongoing investigations into the activities of Fannie Mae, Freddie Mac, AIG, and Lehman Brothers. This is the worst financial crisis our country has encountered in recent history, and we owe it to the taxpayers to get to the bottom of any wrongdoing that may have occurred. That is welcome news. The American people ought to be reassured by the fact that there is not going to be any whitewashing of wrongdoing when it comes to this very serious crisis.

We need to prosecute any inappropriate behavior on the part of these companies to the fullest extent of the law. If we are going to have to fix this problem, those who created it need to be held accountable.

After the dust clears, Congress cannot lose sight of one of the main reasons we are so heavily encumbered by this crisis—why our financial system is so deeply troubled at this moment in time. Fannie Mae and Freddie Mac were huge contributors to the problem because of their thin capitalization, ever-expanding portfolios, and risky practices. I add to that, that was made possible by weak regulation, by the kind of regulatory scheme designed by Fannie Mae and Freddie Mac so they

could keep doing business as usual, so they could continue to make the political contributions and continue to run the Congress as they wished. I recall on more than one occasion we were trying to push that legislation that Senator DOLE originally sponsored, which I was proud to cosponsor with JOHN MCCAIN, so that we would have an effective regulator over Fannie and Freddie. It was really about Fannie Mae was not going to go for that, so that meant it was dead on arrival and we could not get it done. As they were able to have their say in terms of the type of regulator they wanted, then they were able to create the kind of crisis we have come to today.

They fueled and funneled the risky securities that Wall Street bought and sold and made lots of money, while ignoring the systemic risk that move posed to the financial system.

In 2003, when I was HUD Secretary, I came before the Congress with Treasury Secretary Snow and warned of the loose regulation of the GSEs and the risk posed by their undercapitalization.

We asked Congress to create a world-class regulator to properly provide oversight to these financial entities that had become so large that they had an implied guarantee of the Federal Government, and they were deemed too big to be allowed to fail.

In 2005, Federal Reserve Chairman Alan Greenspan told the Congress how urgent it was for it to act, and he said in the clearest possible terms, if Fannie and Freddie “continue to grow, continue to have the low capital that they have, continue to engage in the dynamic hedging of their portfolios, which they need to do for interest rate risk aversion, they potentially create ever-growing potential systemic risk down the road.”

Well, we are now at the end of that road. As we go forward, not only will Congress have to determine the future role of these entities, we need to take a very close look at the practices that brought us to this place.

Throughout all of this work, we cannot lose sight of the root cause of this financial debacle—the housing crisis. What are we going to do to avert an ever-deepening housing crisis? When we ask Secretary Paulson what is the reason we are where we are, obviously, the lack of regulatory scheme appropriate for Fannie and Freddie is part of it, but they say that mortgage-backed securities continue to have no value. The markets for mortgage-backed securities, which has essentially locked down the entire lending system of our country—and I daresay the world—came about as a result of the deepening crisis in home prices, the fact that home values continue to decline, so mortgage-backed securities continue to have little or no value.

So what are we doing in this scheme that we are discussing to avert an ever-deepening housing crisis? How are we going to try to put a floor on those declining home values that are creating

the type of crises in mortgage-backed securities that brought us to this brink of complete financial collapse of our financial system?

Floridians are among the hardest hit in the Nation. Our State is suffering mightily because of the deepening housing crisis. I have, for a long time, been saying, as we talked about a stimulus package some months ago—and we got them out the door and a lot of families have been helped by that, and I voted for that package—I said then: What are we doing not to treat what is apparent in our economy, which is that people are hurting, but the root cause of the pain, which was the housing economy? The fact is, folks who work in home construction are out of work, homebuilders are not being able to keep their employees going and give them the health insurance they provided for them, and we have that entire cycle in the homebuilding industry that is, today, not working as it should, which is providing us with the kind of economic pain so many Floridians are feeling.

In addition, we have people now in foreclosure or are facing it. That will continue, as will the decline of neighborhoods. As the neighborhoods decline, the communities decline. How are we going to help that situation? I believe it is inevitable that, whether we do it now or later, we have to seriously address the issue of the declining home values. One way of doing it would be to provide a healthy \$15,000 tax credit to those who would invest in a new home and help them with the downpayment by that particular means. That is a solution that I have been advocating that may be of significant help in bringing down the huge inventory of unused homes that we have, particularly in places such as Florida.

Housing prices continue to fall, inventories continue to rise, and a growing number of homeowners are facing their own personal foreclosure crisis.

To find the bottom of the housing crisis, to stabilize prices, we need Congress to act. We can approve home-buying incentives. Congress can approve a tax credit for downpayments. That would at least encourage people to enter the marketplace, would reduce housing inventories, and get the money flowing back into the market.

As Congress debates this package, let's remember whom we work for—the American taxpayer. Our priority should be making decisions that serve their best interests. No blank check, strict oversight, accountability, and taxpayer recourse.

It is in every American's best interest that we act. I look forward to creating the right legislation that averts a financial crisis that will affect every single American—a financial crisis perhaps bigger than the Great Depression. That is what is at stake today.

So this is a moment when we have to get away from the usual partisan rancor. We have to get away from thinking about how we might gain a polit-

ical advantage over the other side. The fact is, we need to put aside the fact that we have an election coming up, put aside all of our differences, and we have to come together—Republicans and Democrats, liberal and conservative—for the good of our country. This is a moment that doesn't call for politics as usual. I believe it is a moment that calls for something a little bigger than that, a little greater than that.

I look forward to working with my colleagues on both sides of the aisle to come up with the best ideas that we can. But at the end of the day, I believe the failure to act would be so cataclysmic, so devastating to our country that we have but only one course, which is to find the best way to get this done, with the right oversight and the right checks and balances, but act we must.

I thank the Chair and yield the floor.  
The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. DOMENICI. Mr. President, I understand we are in morning business.

The PRESIDING OFFICER. That is correct.

Mr. DOMENICI. I ask unanimous consent that I may speak until about 11:45.

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

#### THE ECONOMY

Mr. DOMENICI. Mr. President, I didn't get the entire message of the distinguished Senator from Florida. The part of the speech I heard talked about us getting together and working as American Senators, not Republicans or Democrats, in this time of crisis. I totally congratulate the Senator. I agree with him and I believe it is imperative that we do something before we leave.

Today, I hear talk that we have a continuing resolution we have to pass, and then we are finished. I am not hearing that from anybody officially, but it is chattering around. That is the big thing to do.

I must say, that is a frightening thought. If we are thinking of leaving here without doing something to give the Treasury Department of the United States some authority to stabilize the credit system of the United States—if we don't do that and spend time doing that, we don't deserve to be called Senators.

It is hard to explain, but when you look at it, credit and the American credit system—call it the banking system if you would like, but I am calling it the credit system—is what makes America's prosperity available to millions and millions of people. It is the credit system that we set up that has given us the greatest standard of living that any people have ever had.

Something is going wrong with that financial system. It is not a question of Wall Street; it happens to be that Wall Street is the center for some of these

financial systems that I am talking about. But they are going amiss; they are going awry. Something basic is happening, so that the liquidity of the system, which means the money available for the American financial system that I have just spoken of—something has clogged it up. We are told by the experts—and I don't think they have anything to gain. I think the Chairman of the Federal Reserve Board is a distinguished American who never would have thought he was taking on this job when he agreed to be Chairman of the Federal Reserve.

Incidentally, for those who don't know, he has a Ph.D. in economics, but guess what his dissertation was on. It was on the Great Depression. I think we are lucky that we have somebody there who understands the worst of times. He is here, joined by the Secretary of the Treasury, who is not a long-term Wall Streeter. It is only about 6 years that he has been involved in the Wall Street activities as a businessman. He is here begging us, pleading with us, and apologizing that he is not a good speaker. I am kind of saying: Who cares. Just listen to what he says. If you can understand it, pick it up and decide there is something for you to do.

If I sound like I am concerned, I would like everybody to know I have a very large stake in the future. My grandchildren haven't stopped arriving on the scene. I have 13 of them. I have 8 children of my own, and America has been great to all of us. There are millions more Americans like myself.

What is going to happen if we leave here without solving this problem or at least giving the executive branch, through the Secretary of the Treasury, the authority to try to do something to make this system liquid so that money will flow again? If we don't do that and we go home and think we are going to have a Christmas, we are apt to have a Christmas that will shock us all.

We are being told we can have a recession. Those are the words of a mild-mannered Federal Reserve Chairman. That is what he says, we could have a recession. I am quite sure when he is in the back room talking with those experts who advise him and with Secretary Paulson, he says worse than that. He probably says the thing can fall apart because it is all tied together and now it is all going to come untied, this great country, with billions of dollars in securities in the hands of all kinds of countries and people, having the dollar fall and the other signals out there that maybe they are right, that we are getting close to things falling apart.

I have a prepared speech. I asked somebody who is an expert to give me the whole history of the banking system of the United States since 1933. I was hoping I would have time to read it and let everybody know what it was and how it happened and how we as legislators in America didn't quite respond to the banking system as fast as

we should. Legislation didn't keep pace with the changes.

So many people are to blame for us getting to where we are. There are plenty of people who abused the system. But if we get hung up trying to find out who did something wrong, then we are going to sit here, with our fingers pointed, in chairs trying to conduct hearings, asking the FBI to do things while the America we know goes down the tube.

I believe it is time for clear thinking, for Senators to say: We have to take this one on the chin. If it is going to hurt politically, it might as well hurt politically while you are doing the greatest thing you could do for your country, and that is save it—save it from economic turmoil. If that is not the case and you don't believe it, then obviously you can leave as Senators or Representatives. Once the CR is passed, you can go home and start your Christmas festivities and start running for reelection. I hope if you do that, when you come back, maybe those of us who will stay and work will not let the system fall apart for you. But if you want to take that chance, do it.

I think my colleagues should be here, not home campaigning. And I think the American people are going to hold you responsible if you don't get this thing solved.

I hear some say we will do a little something. No, no, not do a little something. We have the best people advising us that we have to do this, and there is even a chance if we do this right that we won't lose as much money as we will as if we do nothing; that, in fact, we may lose many more billions of dollars if we don't do something to stop the hemorrhage and at the same time loosen up the money.

I haven't said "Wall Street" very often in this speech, and I haven't used the word "bailout" because I don't think we are bailing out Wall Street and I don't think it is Wall Street that is the beneficiary of what we are trying to do. Stop and think. Who is involved in this thing called money lending in the United States, credit in the United States? There are millions of people and thousands of institutions that lend money. To whom? To people buying a car, buying a house, buying the Christmas presents for their children, improving the house, buying the lawn mower, buying their third car, and on and on. Those are the people who are using this credit system.

One time off the cuff I didn't know what to speak about before a crowd. I decided to have them guess with me: What is the greatest system that is working in the United States that is beneficial to you on an everyday basis? Of course, nobody could guess what I was going to say. I said: the credit system of the United States. And then I proceeded to tell them why the credit system was one of the best things that America had going for us—not for Wall Street, for us. And the credit system is at stake. If it doesn't work, nothing

works. If your credit system doesn't work, you don't buy houses, you don't buy cars, you don't buy toys. Maybe you buy groceries. But if it is broken, who knows what will happen to a country such as ours when we have been so used to so much for so long.

Having said that, I have a little bit more time and I wish to talk a little bit about the history. Maybe I will rethink this for a minute and put it this way. I believe it is imperative that we pass legislation, and I believe that if the consensus is, after saying we want to give the executive branch what they think they need to solve this problem, if the consensus is that we need to add something to that legislation—add oversight, add something on executive pay, whatever the other things are—let's get on with it. Let's do that. Let's sit down with the leaders from the White House, from the executive branch, and say: What do we need in addition to their proposal? And let's talk seriously. I don't see why it would take so long. I don't see why we can't do it.

Incidentally, I was chairman of the Budget Committee when the Resolution Trust Corporation was formed in order to curb the savings and loan crisis in the early nineties. That effort was also very controversial. Yet that effort stabilized the markets and eventually made money for the American taxpayers. Of course, it was much more limited in scope. We were talking about the savings and loan institutions. Some were regulated, some were not regulated, and we were in some kind of a real mess. Some had deposit insurance that was adequately covered, some didn't. We had to take over their assets and then dole them out. Some people made a good deal and bought them cheap and made money. People focused on that and said what a dumb thing we did because some people made money on the buyouts from this Resolution Trust Corporation. In the end, when we added it all up, it made more money than it lost, and it saved the system. In the process, a lot of purification occurred, a lot of cleaning out occurred.

The same is going to happen here. I am no expert on the difference between then and now, the Resolution Trust Corporation problem that was being solved and the problems we are going to solve now, but clearly there are many similarities. We were frightened. When we heard the first reports about how much we might lose, there were many who supported it who didn't want to go home, they wanted to hide their heads under the desks because it was so many billions of dollars. This one is going to be worse, and if we don't decide to fix it, there are not going to be any desks to hide under, in my opinion.

The other problem we have is we haven't told the American people that this affects them. They have been told, because of the way it was presented, "Wall Street," "bailout," those famous words—it has been presented as if it



doesn't have anything to do with the people on Main Street and in our shopping centers across America and those who are selling and buying houses anywhere in America or buying cars from their local dealerships. It applies to all of them.

If liquidity, the liquid money flowing, stops for any period of time, all of those are affected. And guess who is at the end of each of those. The American people. They are all going to be affected. In fact, I am quite sure many thousands of Americans are worried today as to what they should do with their money, with their savings. We need to build some confidence back into the system and in them. We need to stabilize the system and build confidence in the American people by us being confident, by speaking out that we intend to do this, and by doing it we are going to save this credit system in the United States which applies daily to each American in a different way, but is their credit system, the credit system of the people of this country.

The history of the banking system in the United States is clearly an interesting one, and I believe rather than give it today, I will reserve it—I know I will have another opportunity to speak—and change the tenor of my remarks today from the history of the banking system to my version of the problem, from the top of my head as I think and look at a few words, what I think the problem is and what I think our responsibility is.

I once again say that before we leave here, we have a responsibility to face up to what could be the greatest economic crisis America has ever seen. If it isn't that big, we don't understand it. We are being told by those who know that it is that big, that it could be the biggest economic crisis we have ever had. I tend to believe these two gentlemen. I have heard them. I don't know them. I listen to them. I have no idea why they would be telling us this if it were not that they truly believed it was the fact as they gathered the facts from this enormous credit system of the United States.

I repeat, we are fortunate that the two experts are truly expert on matters similar to the ones we are facing. I didn't know about the good doctor who is Chairman of the Federal Reserve until I was preparing for this speech and for these hearings, that not only is he an economist but his expertise is in the Great Depression. No wonder he talks so confidently about what might happen if we do this or that.

Who are we going to believe if we don't believe people such as them? Who are we going to believe if we don't believe the Secretary? The Secretary worked so hard yesterday. I was around him late in the afternoon. I thought maybe he ought to go home and rest, he had worked so hard. He truly is trying to tell us with two red flags—if he could hold five of them—he is trying to tell us there is a big problem and we

better start solving it. Don't be worrying too long how big the fire is or how big the fire hose has to be. We know how big the problem is. It is either as big as they say, or we have to guess and say we, as Senators, with no expertise in this area, no more than that, we are going to guess. I don't choose to do that. I don't think that is why we are here. This is a complicated system. The credit system of the United States is complicated. They have narrowed it down to five or six major events and now the big one that will wrap it up. We better help them or we better be prepared to face the consequences ourselves as individual American Senators.

I yield the floor and thank the Senate for listening.

I suggest the absence of a quorum.

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

The legislative clerk proceeded to call the roll.

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

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

Mr. GREGG. Mr. President, I understand that at 12 o'clock I am to be recognized for half an hour, but I ask unanimous consent that I be allowed to proceed at this time for half an hour.

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

#### MAIN STREET

Mr. GREGG. Mr. President, the reason I wanted to take a half hour is to discuss at some length and in some depth the situation we are in right now, as I see it, relative to the financial markets as they affect Main Street because there is a lot of confusion out there and this issue is about Main Street. It is that simple.

Why is it about Main Street? It is about Main Street because if our financial markets become totally destabilized, that leads directly to the ability of people to keep their jobs, to keep their savings, and to create more economic activity on Main Street.

How does this work? It is very simple. If you are working for a small company or even a medium-sized company and certainly if you are working for a large company, it is very likely those companies borrow money to do things. They may borrow money to buy the materials you work on in order to create their product. They may borrow money in order to pay their suppliers. They may borrow money to pay their payroll every week to make your paycheck. That is just the natural order of commerce in our Nation. That is the way banks work. That is the way Main Street works.

You have a little restaurant, a mom-and-pop restaurant, and they didn't make quite enough this week to pay their payroll, so they go to their local bank or the community bank and they say: Will you give me a loan to get me

through this week so I can make payroll?

A person who makes a significant or a reasonable amount of money takes their money and puts it in their bank, into a savings account or maybe into a money market instrument because they get more interest on a money market instrument, and that becomes a big asset in their life.

Let's say a person wants to go out and buy a car. Most likely, they are going to borrow money to do that, either from their local bank or through their car dealership or they are going to borrow money from a major financial entity such as GE or GMAC. The same is true if you are buying a house, obviously, or if you are buying a lot of things. If you are adding on to your house, you are probably going to try to get a home equity loan. If you are going to expand or improve your kitchen, put on a playroom for your kids or, if the kids are old enough, send them to college, you are probably going to borrow money to pay for their college education.

The ability to borrow, the ability to use credit in our system is at the essence of the economic lifeblood of our system. Every person in this country is affected by it.

Unfortunately, what we are confronting and what we almost saw last week is a total seizing up of our financial industry, and not just the big banks in New York we hear so much about—not just Lehman Brothers and Merrill Lynch and Bear Stearns—but the mom-and-pop bank in your local town, the medium-sized bank in your local county or your State. All of these were under huge pressure. And why is that? It is because underlying the banking system is the business of trading and exchanging credit, of buying and selling debt between banks.

One of the main elements of buying and selling debt is a debt instrument called a mortgage-backed security. Now, what is that? A mortgage-backed security is a debt instrument, as if you went to your local bank and borrowed money, only it is a big set of debt instruments, and the security for those debt instruments is mortgages. What has happened, because of the real estate meltdown and because of the subprime event and the collapse of the real estate industry, primarily in our bigger States, such as Arizona, California, and Florida, is it has become extremely hard to value the security below that debt instrument—those mortgage-backed securities—because the value of that asset has reduced so much, the house price has reduced so much.

The reason for that is because a lot of the loans which were made to buy those securities—to the person who is actually paying the loan, the person who lives in the house, theoretically, or the person who speculated and bought the house as part of their investment—were made at a time when money was so cheap to borrow that

they were made at interest rates which were extraordinarily low and are today being reset, as those notes become due under the terms of them, at a much higher interest rate and at an interest rate that the person who lives in that home can't afford to pay. That is called the subprime issue. And there are also a lot of variations of that, by the way. So the person who is responsible to pay that note, first, has an asset which probably isn't worth what the note was issued for because of the drop in the value of the home prices and, second, finds themselves with a debt they can't afford to pay because the interest rates have jumped so much. That translates into thousands, tens of thousands, hundreds of thousands of situations which merged together in these mortgage-backed securities which were then sold and then insured and then reinsured and reinsured through something called credit default swaps in order to avoid failure, in order to give coverage, and all of that system has essentially frozen up—frozen up—so that those mortgage-backed securities are no longer tradeable because nobody knows the value of them, and the insurance that was issued on them is at risk, also, because of the fact that the asset has depreciated and the revenue to pay the cost of that debt has depreciated.

How does this affect the person on Main Street, the person in Epping, NH, or Raymond, NH, or Lancaster, NH? The way it affects them and the way it affects all Americans is that when that freezes up and the banking system can no longer get value for the debt which it has on its books and it has to start writing down that value, then the banking system starts to contract dramatically because the assets which the bank was depending on in order to be able to lend against are depreciating radically. As a result, the financial ability to get credit dries up and contracts, and people react to that, and they did last week.

This is not a theoretical event, by the way. This type of destabilization is upon us, unfortunately, and what we are trying to do is avoid it becoming an epidemic. But last week, in response to the fact that people couldn't get money and didn't have confidence in lending money or borrowing money, we had \$335 billion taken out of money market accounts and basically moved over to Treasuries.

What did that do? It was essentially a run on money market accounts. Well, if you have a run on money market accounts, you have a very serious problem. Last Wednesday night, we had that problem, because what happens when there is a run on money market accounts? Well, the entities that have those money market accounts have to pay them off, which means they have to hoard their cash in order to support and defend their money market accounts which are in their banks. So they can't lend any more money; they have to actually start calling in accounts. So when somebody comes into

their office and says—and this is a simplified way of explaining this—OK, I need some commercial paper, some financing to get through my next payroll, which is going to be this week, because I didn't make enough money on my business this week—it is maybe a seasonal event or a seasonal slowdown—and they say: I need to get some commercial paper to make my payroll, well, they can't get it because the bank can't lend it to them because the bank is holding its money or the finance house is holding its money for the purpose of supporting its own capital position or for the purpose of defending itself against the fact that so many of its money markets are being called in. The practical effect of this is that you create the potential for massive destabilization of the economy at a level we have never seen, potentially.

Now, some might say that is hyperbole. I don't think it is. Mr. Greenspan doesn't think it is. The former Chairman of the Fed said this is a 100-year event. Warren Buffett doesn't think it is—a Democrat—and I am quoting him because he said this morning that he had never seen an event like this in his life with the potential for this type of destabilization.

I think anybody who is honest about it recognizes that the last few weeks have been extraordinary and the threat to our economy and to the everyday life of Americans has been immense—the threat.

What has happened to try to address this? Fortunately, we have had a very activist, very bold, and very creative Federal Reserve Chairman and Secretary of the Treasury. Leading up to where we are today, we had three major fiscal crises that were addressed aggressively. The first, of course, was Bear Stearns, the first financial house to go down. That was aggressively addressed by an infusion of support, not for Bear Stearns—the stockholders of Bear Stearns lost all their money, as did their debtholders—but for the underlying financial institutions and the debt structure built around Bear Stearns.

The second was Fannie and Freddie. Here, the Federal Government, again, and the Congress, acting in a very responsible bipartisan way, passed legislation which allowed us to stabilize those two entities. Why did we need to stabilize those two entities? Because they own \$5 trillion of the mortgages in this country. Mr. President, 70 to 80 percent of the mortgages in this country are run through those two companies. Had they been allowed to collapse, had they been allowed to totally implode or to become massively dysfunctional, the entire credit market would have frozen, the mortgage market would have frozen, and a lot of people would have lost their homes. So, again, the Congress, acting in an extraordinarily responsible way with the Secretary of the Treasury, created the authority to move forward to settle that.

Then, the third event was last week, last Tuesday night—AIG, an insurance company. Why, you say, do we need to step in to defend an insurance company? We didn't need to step in to defend the insurance company. What we needed to do was to defend the insurance which they had issued. Why? Because almost every bank of any small or medium size in this country uses insurance issued by AIG to insure much of its capital assets so those capital assets can be used against lending. Whether a bank can lend depends on how much they have in capital assets. Had AIG gone down, the insurance—the rating agencies would have rated that insurance as nonperforming, for all intents and purposes. I am simplifying it, but that is basically what would have happened.

That would have meant the banks would have had to contract their capital immediately and that would have meant dramatically less lending; good loans being called, people who paid their loans would find their loans no longer existing as the banks had to collect more capital to get their capital requirements up. Many banks might even have failed as a result of that event. It was a systemic problem because the insurance was so pervasive throughout the system and it so supported the banking and financial houses, to say nothing of the money market area where it also played a major role.

Again, Chairman Bernanke in this situation stepped in to stabilize that insurance. He didn't bail out AIG. Don't say to Mr. Greenberg, who was the primary stockholder in AIG and who lost \$5.8 billion in 1 week, I think it was, that he was bailed out. No, the stock basically went down to \$1, I think, \$1 or \$1.50. The senior debt was replaced by debt owned by the Federal Reserve, which is paying 11 percent and I think everybody agrees that in the end that will end up being a financial—the Federal Reserve will make money on it.

Now we are at the fourth event of this very tenuous and difficult financial dislocation that we confront and that is the request by Chairman Bernanke and Secretary Paulson to give Secretary Paulson the authority to basically use up to \$700 billion of Federal debt to go in and buy debt which is not performing off the books of various lending agencies and financial houses so the market can begin to perform. This goes back to those mortgage-backed securities I talked about; to get that freeze which has occurred, that logjam to break up so the markets can function in an orderly way and people can borrow money and people on Main Street can finance their payrolls, can finance their homes, can finance their house, can finance sending their child to college, and the economy grows rather than contracts. Instead of losing jobs, we will add jobs; instead of losing net worth, we add net worth. That is what this is about.

There has been a lot of misrepresentation, exaggeration, and political statements made around here—especially in the “talking head” area of the media. They say, basically, there is a \$700 billion bailout, we are going to take \$700 billion of taxpayers’ money and throw it at financial institutions across this country and get the fat cats off the hook, so to speak. We need to go back and talk about what happens to the taxpayers in all four of these events.

I will represent upfront I do not know exactly what is going to happen. Nobody else does. But I also represent upfront that the cost to the taxpayer will be dramatically less than any of these numbers which are being thrown out there in a most irresponsible and inappropriate way. When somebody says \$700 billion to \$1 trillion this is going to cost taxpayers, they are being dishonest when they make that statement. It is never going to cost that type of money, never even be close to that type of money. In fact, the taxpayers are going to come out of this making money because we will replace other investors, and when those investors pay off, they will make a little money.

Let’s go through all four of these items as to how much it is going to cost the taxpayers. Bear Stearns, \$29 billion. That is what the Federal Reserve put into Bear Stearns. That is the Federal Reserve, remember. This is not off the Federal budget. It is not from the Federal taxpayer. The Federal Reserve is an operating corporation. It has about \$895 billion of assets. Every year it makes \$25 billion to \$30 billion, which it pays to the Federal Government as income. Chairman Bernanke has decided to take \$29 billion and invest it in various bonds that were issued by Bear Stearns, to give those bonds stability. It is very likely the Federal Reserve will get all that money back, or a large percentage of it back. It is totally unlikely the Federal taxpayers will end up with any type of bill from this exercise. That is probably a zero cost to Federal taxpayers. The only thing that could possibly happen that would affect Federal taxpayers is the Federal Reserve might make less money this year and, thus, pay less into the Government as part of its contribution, when it makes a profit, to our revenues. But even if that occurs, in the outyears, it is likely that amount of money will be higher because they will be getting that money or a large percentage of it back. So that doesn’t cost us anyway.

So when someone in the press—not the press, I don’t want to pick on the press—when someone says it is a \$29 billion taxpayer bailout with taxpayer dollars, it is not. That is plain wrong.

The second event I wish to talk about because it is similar—it is not in sequence, but it is significant—is the AIG, \$85 billion. In this instance, once again it is the Federal Reserve investment. It is not taxpayers’ dollars being

invested. The Federal Reserve has taken \$85 billion and essentially bought AIG. In buying AIG, they got the parts as well as the holding company. The holding company is where the problems were. The parts, the subsidiary insurance companies—of which I think there were about 150 or 160—were actually quite economically strong and viable. In buying that company, not only did they wipe out the stockholders, not only did they kick out the management, not only did they eliminate the golden parachutes, but they took back securities which guaranteed an 11.5-percent payment to the Fed before anybody else. So as AIG starts to make money again—which it certainly will because it and its subsidiaries are a very viable company—the Fed is going to make 11.5 percent at a minimum. I don’t think there is anybody who has looked at this exercise who has not concluded that this is going to be a financial benefit to the Fed. The Fed is actually going to make money off that in the sense that over the long run—when I say “long run,” I am talking about less than 5 years—over 5 years they will have a return on that purchase of AIG which will exceed the \$85 billion they put up.

So when somebody says that was a bailout with taxpayers’ dollars, once again they are totally inaccurate and they are misrepresenting and trying to scare people by saying that.

Now we come to the two big items. Big items? The other ones are pretty big; \$85 billion would take care of the State of New Hampshire for I don’t know how long—probably 20 or 25 years or so.

Now we come to the two very large exercises; first, Fannie Mae and Freddie Mac. In those instances, the Congress, in a bipartisan, extraordinarily constructive way, joined with Secretary Paulson and said to Secretary Paulson: We are going to give you \$100 billion of authority for each company, \$200 billion total, that you can use to stabilize those two institutions. Why so much money? Because we had to make it clear to the people who were dealing with Fannie Mae and Freddie Mac that the Government would be there to stabilize them.

By stabilizing them, it would cost us a lot less. If we allowed them to unravel, if we allowed them to basically go into a destabilized situation, then the contraction to the economy would have been so overwhelming because mortgages would essentially have been called all over this country and mortgages would not be able to be obtained by virtually anybody. We would have seen a massive contraction on top of the already serious situation we have in the real estate industry and that would have had a huge impact, not only on Main Street and on John and Mary Jones, who want to buy their house or stay in their house, but on the Federal Government in the way of revenues because taxes would have fallen off precipitously. By stabilizing those

two companies, we were able to keep the ordinary business of lending for mortgages in this country going forward and moving in a constructive way. We had to put enough money on the table or represent that we were willing to put enough money on the table so nobody could question that we were not going to be able to stabilize those two institutions and that is why the numbers were picked.

How much has actually been spent of taxpayer dollars? Five billion dollars, that is what the Treasury has had to put in so far. As a result of this putting in that \$5 billion, we are seeing mortgage rates actually come down because we are actually getting a Fannie Mae and Freddie Mac that are able to function again. So that is all good news. I don’t know how much more will have to go in, but it certainly will not have to be \$200 billion or anything near that number.

Furthermore, once again, with that \$5 billion, we are buying assets that have value. How much value is still up in the air. But we will get some sort of return on that \$5 billion. Thus, under the scoring rules that we work under in our budget, because this is a credit action, this is not going to score as a \$5 billion hit on the Federal deficit, even though \$5 billion has been spent because CBO is going to say some percentage of that \$5 billion is going to come back to us as these assets mature and as people make payments on those assets and, thus, maybe it will only be \$1 billion; maybe we will get \$4 billion back. So the effect on the Federal deficit will be \$1 billion. I don’t know how CBO is going to score it, but they are going to score \$5 billion as dramatically less than \$5 billion as a hit on the deficit.

At the same time, we have been able to stabilize, to some degree, the Fannie Mae and Freddie Mac situation because we took aggressive and bold action, which brings us to where we are now.

This whole issue of whether we need to move forward with a major effort of stabilization and recovery for the financial industry, generally, by having the Federal Government come in and basically buy up a lot of securities which today cannot be traded on the market because nobody can value them. That is what I was talking about earlier. You cannot value these securities because nobody understands what the underlying equity that supports these securities is, the value of that home; and nobody knows whether the people paying on that debt originally are going to be able to make their payments as these mortgages reset.

The Federal Government is going to come in. What Treasury Secretary Paulson has asked is for the Federal Government to have the authority to come in and start buying up these securities in classes, in groups, across the board. The question becomes, will he have to spend \$700 billion to stabilize the financial markets? And how much will that cost the American taxpayer?

First off, the easy answer to it is it is not going to cost anywhere near \$700 billion, even if he uses the whole \$700 billion, which he probably will not do. But even if he were to use the entire \$700 billion authority, he would be out buying assets.

He would be out buying notes that have security behind them and, therefore, we will be paid, to some degree, as to their value and depending upon what he buys these notes at. Let's say he is not going to buy them at face value. Let's say someone borrowed \$100,000 secured by a house, and nobody knows what the house's value is now, and the person who borrowed the money cannot repay that because the cost of the note, the reset interest rate is too high. That note is not going to sell for \$100,000, it is going to sell for something less, maybe \$70,000 maybe \$60,000.

It is not clear what the Treasury is going to buy that for right now. I want to get into that in a second, but whatever they buy it for, they will be getting an asset. And the question will be, is the price they paid for that asset above or below what they can, in the end, get for that asset?

Now, the big advantage the Federal Government has is we do not have to do what is known as mark to market. We do not have to write down these assets the way a bank does or a financial house does as they become destable, as the assets become destable. We are the Federal Government. We can hold that asset until it is paid off at face value, for example.

So not only do we get the 70 cents back, but we get 100 cents back on the dollar, so we can actually put ourselves in a position where if we pay a reasonable price for an asset we may make money on the asset. We do not know that that will happen, because the purpose here is not to make money, the purpose is to stabilize the financial markets and give them the ability to start freeing up, trading and freeing up activities so that the credit markets start to move back and forth once again.

But if we are successful, and we will be if this plan is approved, then the credit markets will start to move once again, and that will raise the economy. And as the economy improves, then these mortgages that we will have bought, these mortgage-backed securities, and their other things such as loans, will start to improve in their performance, and the chances of us getting a good portion or all of the money back that we put into this effort will be pretty high.

What is the effect of that? That means that instead of costing \$700 billion, we may get \$600 billion back, we may get \$500 billion back, we may get \$800 billion back. Whatever we get back, that is going to be a net figure. So when CBO scores this activity, they are not going to say the deficit is going to increase by \$700 billion as a result of us passing this proposal, they are going to say it is going to increase by the net

difference between the \$700 billion and what they estimate we will get back from the assets that we purchase.

I suspect that estimate is going to be—I do not know what it is going to be, but it is certainly not going to be anywhere near \$700 billion, \$100 billion. It is going to be a shot in the dark because nobody knows. But we do know we are going to get some value for this investment. In fact, if things were to work out, we might get as much value back as we put in, maybe even more. That is not the expectation, that is not the purpose.

But clearly when somebody gets on the public airwaves and says: We are putting \$700 billion of taxpayers' money into this and we are not getting anything back, we are throwing it at these big companies, they are big demagogues, they are big, dishonest, they are heightening the problem rather than addressing the problem. They are certainly not factually accurate as to what is going to happen here. The deficit will not be aggravated by anything near that number.

Now, will the Federal debt go up? Yes. But then it comes back down as we get the money back. So that also is not a legitimate argument. If you have got a legitimate complaint, it is this as a conservative: When we make this investment and we start to get this money back, which we will, over the next 5 years, so that money is flowing into the Treasury at a pretty big rate, \$500 billion, \$600 billion, \$700 billion, we better make darn sure that money goes to reduce the debt of the Nation and does not get spent around here on various products, which is what we tend to do with money when we see it arriving at our doorstep. That is what I am concerned about.

I am hopeful that whatever the final agreement is, it will have language in it that says as we start to get this debt repaid, the Federal Government starts to receive monies as a result of the investment we have made, those monies will go directly to reduce the debt of the Federal Government, and the debt we are passing on to our children.

But what is the practical effect of doing this, of putting this type of commitment up, this type of commitment to stabilization? The practical effect is that we stabilize, hopefully, the financial markets. What is the effect of not doing this? What is the effect of not doing this? We are playing with fire. We are rolling the dice. We are confronting potentially one of the most significant economic events in the history of this country, and it is not a good event if we do not take action.

There are a lot of very thoughtful people around here who know that. Last week we almost saw that event occur when there was \$335 billion of money market funds pulled out of the market and we basically saw the banks unable to continue to operate in an orderly way because of that until the Fed and the Treasury came in to basically stabilize the situation.

We do not want to take that gamble as a nation. The cost of not taking that gamble is not that high. It is not \$1 trillion, it is not \$700 billion, as I have run through the scenario. It is virtually no dollars in the Bear Stearns-AIG event; it is a marginal number of dollars potentially in the Freddie Mac and Fannie Mae event; and in the big event, the \$700 billion, we do not know what it will be, but we know it is dramatically less than \$700 billion because we know we are going to recover a large amount of those assets, and the net cost of that activity will be well below \$700 billion, assuming there is even a net cost over a 5-year or 10-year period as we work out these loans.

But the cost to us if we do not do this? Potentially staggering to everybody in America. This is not about Wall Street; this is about Main Street. This is about people keeping their jobs; small mom-and-pop businesses being able to borrow money to operate; people being able to send their kids to college; an economy being able to be a growth economy rather than a contracting economy.

That will affect everyone, everyone in America. So I think it is time to put an end to the theater and to the politicization and to the hyperbole.

I congratulate a lot of folks on the other side of the aisle. I congratulate the Senator in the chair, from Pennsylvania. He has been responsible. I have heard Senator SCHUMER, who is a leader in this area, make some extraordinarily constructive ideas. Senator DODD is trying to be constructive.

I think there is a willingness in this body to act at least in a bipartisan, constructive way. That is what we need is some mature action around here. That is our responsibility as a government. We have a crisis upon us. There are ways to avoid it. We have a responsibility to pursue a course of action which gives us the best chance of avoiding that for the American people.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

#### FAREWELL TO RETIRING SENATORS

Mr. ALEXANDER. Mr. President, Senator PETE DOMENICI, who is retiring from the Senate this year after serving since 1972, once said to me that we don't say goodbye in the Senate very well. As a matter of fact, we don't say hello very well either. We have a little orientation program, but we abruptly arrive and leave. We leave in the midst of a lot of turmoil and discussion with very little time to say goodbye. Yet in

between that arrival and leaving, we have very intense personal relationships. We virtually live with each other. We see each other often for breakfast, lunch, and dinner. We see each other more than we see our families. So when there is a time for saying goodbye, we look for ways to say it a little better.

There are five Members of our body, all of them Republicans, who have announced their retirement for this year. While I won't be speaking at length about them here today, I want to recognize their service. I will do it in the traditional way in the Senate, which is to start with seniority. By "seniority," I mean from the time I have known them.

I first met JOHN WARNER 40 years ago, in 1968. I was a young lawyer, and he was head of United Citizens for Nixon. I went to work for him in Washington, DC, at the Willard Hotel. He had been an advance man for President Nixon in 1960. He had been a businessman who was a striking figure, as he still is. I remember one of my assignments was to recruit a Mississippi chairman, and I found an outstanding young man named THAD COCHRAN who became chairman of Citizens for Nixon in Mississippi. Then we went to Indianapolis for the national meeting of our organization, and the mayor of Indianapolis was RICHARD LUGAR. JOHN WARNER was 17 years old and enlisted in the Navy in World War II. He served as a marine officer in Korea. He was appointed by President Nixon as Under Secretary of the Navy in 1969 and became Secretary. He has served in this Senate since 1978 with distinction. He has added civility, a sense of institution, and perhaps his greatest continuing contribution has been his expertise and independence and leadership on matters of military affairs which he has discharged in a bipartisan way with Senator LEVIN for many years.

Senator DOMENICI from New Mexico has been here since 1972. That is a long time. He arrived as a young man. He had been a chairman of the Albuquerque City Commission, a math teacher, a baseball player. It was unusual for a Republican to be elected to the Senate from New Mexico. He has served with distinction all that time. He was the first Republican chairman of the Budget Committee. He has been a leader in a renaissance of nuclear energy in this country which is so important because of its low cost and because it is clean. A great many people, including myself, are concerned about global warming. Well, 70 percent of our carbon-free electricity in the United States comes from nuclear energy. Senator DOMENICI, more than almost anyone, has been behind the revival of interest in nuclear energy. He has truly been one of the most consequential Senators of the last half century.

CHUCK HAGEL of Nebraska is like the rest of us Senators. We are all accidents. None of us could have guessed

we would be here. It is hard to plan your way into the Senate because we come from all different directions.

Senator HAGEL, who is Nebraska's senior Senator, is retiring after only two terms in the Senate, but he has had a full life so far, starting a business or helping to start one that became a public company. While we have a great many patriots in the Senate, men who are honored for their service in the military—such as Congressional Medal of Honor winner, Senator INOUE; Senator STEVENS, who flew the first plane to land in Beijing after World War II ended; Senator MCCAIN, whose story is well known, while he never discusses it—Senator HAGEL's heroism and service serving side by side with his brother in Vietnam is one of the most fascinating, heroic stories of any Member of the Senate.

With that sort of independent background, you can imagine he brought to this body a sense of independence, a great knowledge of the world. Along with Senator LUGAR on this side of the aisle, he understands the world better than almost anyone, and he works hard at it. He has been independent in his views, willing to criticize those he thought were wrong, including those in his own party. He has written recently an excellent book about the future of our party. We will miss Senator HAGEL.

Senator LARRY CRAIG has been in the Congress for a number of years. He served three terms in the Senate. I believe Senator CRAIG's great contribution is in the area of energy. He and Senator DOMENICI have been a team in advocating for nuclear power. They have been leaders in the Senate in understanding energy and its details, particularly over the last few years as issues of energy and the environment have become the most fascinating and important issues we have to deal with in many respects. Senator CRAIG has made a great contribution.

I especially appreciate his courtesies. When I was just elected to the Senate, I had worked here before as a staff member many years ago, but I didn't understand what it was like to be a Member. Senator CRAIG took a long hour with me on the telephone just explaining to me about committee assignments. I have always been grateful for that.

Finally, there is Senator WAYNE ALLARD. We have two veterinarians in the Senate. When WAYNE ALLARD goes back to Colorado, we will have one. Senator ALLARD told the people of Colorado if he was elected that he would serve two terms. He has, and he is keeping his pledge. He has been a strong and vigorous advocate of military preparedness. He is a member of the Armed Services Committee. He has been a member of the Appropriations Committee.

One of Senator ALLARD's great contributions in the last couple of years was to take a job that many others probably wouldn't have wanted and plow into it. When the Capitol Visitor

Center, which is almost open, was being worked on and running over budget and had some problems, Senator ALLARD, through his chairmanship of the Legislative Branch Appropriations Subcommittee, was able to jump into that and provide a great service.

I say to all five of those Senators, we will miss them. We are grateful for their service. I know people must look at the Senate in many different ways.

Let me conclude by telling a story about how some teachers look at it. We have a tradition in the Senate of making a maiden address. It is kind of a funny name, but we still call it that. We pick the subject of most interest to us. My subject was to put the teaching of U.S. history and civics back in its proper place in the school curriculum so our children would grow up learning what it means to be an American. There is not too much the Federal Government can do about that, but what we were able to do is to begin summer academies for outstanding teachers and students of American history. One group of those teachers was here in July, one from each State. I brought them on the Senate floor early one morning. I took them to Daniel Webster's desk, which is occupied by the senior Senator from New Hampshire right here by me. I took them back to that part of the Senate where Jefferson Davis's desk is, occupied by the senior Senator from Mississippi, and told them the story of how the marks in the desk are because a Union soldier came in during the Civil War and started chopping on it with his sword. His commanding officer came in and said: Stop that. We are here to protect the Union, not to destroy it.

This Chamber is full of history, full of our country. Anyone who stands on this floor and sees the engravings of "In God We Trust" or "E Pluribus Unum" and gets a sense of what has happened here has respect for it. The teachers had that respect. When we got to the end of our visit, one teacher said to me, I think it was the teacher from Oregon: Senator, what would you like for us to take home to our students about our visit to the Senate floor?

I said: I hope you will take back that each of us takes our position a lot more seriously than we take ourselves. We understand we are accidents, that we are very fortunate and privileged to be here, that each of us reveres our country, and we respect this institution. I can only speak for myself, but I think it is true of Senators on both sides of the aisle that we get up every day thinking first of how we can make a little contribution before we go to bed at night that will help the country be a little better off than it was in the morning. That means serving in the Senate is a very great privilege. I hope you will take that back to your students. I don't know what they see on television or read in the newspaper about the Senate, but that is how we feel about the privilege we have to serve here.

To these five Senators—WARNER, DOMENICI, CRAIG, HAGEL, and ALLARD—we say goodbye. They are members of our family. We appreciate their service. We know they have believed it has been a very great privilege to serve in the Senate. For us it has been a great privilege to serve with them.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

### THE ECONOMY

Mr. REID. Mr. President, as I have said on many different occasions, one of the heroes in my family as I was growing up was Franklin Roosevelt. That is an understatement. One of the things I admired most about President Roosevelt was how he lifted our country out of the Great Depression and did so by speaking directly to the American people on the radio, telling the American people the truth. All he told us was not good news, explaining plainly what needed to be done.

Another President that we all admire, Democrats and Republicans, was Harry Truman. We all know that President Truman had on his desk a wooden sign that said, "The buck stops here." It did, and it does.

Today we face what economists call the greatest economic danger since the Great Depression. We have come to this point after 8 years of President Bush waging a war on fiscal responsibility. His Republican philosophy of removing all accountability from big business and expecting no responsibility from them in return has created this crisis that now threatens to devastate America's working families. President Bush put cronies and ideologues in charge of all critical regulatory agencies, including the Justice Department, who ensured that special interests would always come before the common good.

In one example of particular irresponsibility, the Bush administration refused to exercise its regulatory authority over the mortgage industry. The President's neglect allowed massive fraud and widespread predatory lending to pave the way for the largest mortgage crisis in our entire history, a crisis he continued to ignore long after the consequences of the plundering and pillaging of the mortgage market became clear.

Here in the Senate, we never got the support of President Bush when we were trying to do something with housing reform. In fact, just the opposite; he was threatening a veto. We had to break seven Republican filibusters on that legislation.

History will show that while all this was going on in the White House, for the last 20 months we Democrats were trying to restore fiscal sanity. Here are some examples over the years.

We have only been in control of the Senate for the last 20 months. Prior to that, in 2000, Senator Paul Sarbanes of Maryland, chairman of the Banking

Committee, introduced the Predatory Lending Consumer Protection Act to restrict abusive predatory lending. The same year, Senator SCHUMER introduced the Predatory Lending Consumer Protection Act. In 2002, Senator Sarbanes reintroduced his bill. In 2004, Senator Sarbanes and the current chairman of the Banking Committee, Senator DODD, called on the Federal Reserve to take action on alternative mortgages. Senator DODD called them a nightmare for low-income Americans. In 2005, the House of Representatives passed bipartisan legislation to reform the regulation of government-sponsored enterprises, Fannie Mae and Freddie Mac. It passed the House 331 to 90.

The Democratic minority in the Senate tried to pass it. We were blocked by the White House and Senate Republicans. When Representative Oxley, one-time chairman of the Banking Committee and a devout Republican, brought this legislation to the White House, the President, in the words of Mike Oxley, gave him "the cold shoulder and the one-finger salute" and rejected the bipartisan plan.

In February of 2008, Senate Democrats introduced the Foreclosure Prevention Act, which was blocked by Senate Republicans after a veto threat from the White House.

In June 2008, the White House threatened to veto the Federal Housing Finance Regulatory Reform Act, which would have improved oversight of Fannie and Freddie. The reason for the veto threat? They did not want to help communities struggling with foreclosures. If the President had signed this bill in June, we would have saved billions we must now spend to bail out Fannie and Freddie.

In every one of these instances, Democrats saw the storm clouds gathering and attempted to pass legislation that could have steered our course away from the crisis we now face. But every time, the White House and congressional Republicans chose to continue along their own irresponsible path, which brings us to where we are now.

After ignoring Democrats in Congress and good fiscal sense for 8 years, President Bush has sent Secretary Paulson and Chairman Bernanke to Congress to pitch his \$700 billion bailout. As I have said before, Secretary Paulson and Chairman Bernanke are good men. I believe they both have the best interests of our country at heart. I certainly hope so. But the testimony of yesterday's Banking Committee hearing made it clear that Secretary Paulson and Chairman Bernanke have not yet successfully made the case for the Bush plan. Democrats and Republicans raised serious questions about the plan, and I do not believe anyone—Democrat or Republican—felt those questions were sufficiently answered.

At 2 o'clock today, in the House of Representatives, their Banking Committee is going to listen to the Chairman and the Secretary.

As our country prepares to face the consequences of George Bush's fiscal dereliction of duty, Congress is prepared to act as quickly as we responsibly can. But the Congress, and especially the American people, have a right to know this: Where is President Bush? President Bush has sent Congress an unprecedented \$700 billion bailout proposal—\$700 billion straight from the pockets of every single man, woman, and child in America. Yet President Bush has been absent from what may well be the most important debate on economic policy in a generation.

Isn't it interesting. You look at our experience, the Presiding Officer's and my experience. When there was an issue of such paramount importance, we were always called to the White House. Not this time. The President has not been available. It has not been his issue.

Well, it is his issue. We have a right to know—Congress and the American people—where is President Bush? He sent Congress this unprecedented \$700 billion bailout proposal. This money, as I have said, is straight from the pockets of each one of us, and even our children and our children's children. Yet President Bush has been absent from what may well be the most important debate on economic policy in the history of our country.

I was listening to the radio this morning and Allan Sloan, who is an economic writer, said this issue is as big as he has ever seen or heard about. Well, I do not know if he is right, but I think the President should be available. He has given two brief statements to the press and a press release admonishing the Congress to accept his bailout plan immediately. Other than that, President Bush has been silent.

We must not forget, President Bush is still President of the United States. It is time for him to focus on the issues and tell the American people where he is. It is time for him to explain why 8 years of deregulation policies have brought us to this dangerous ground. It is time for him to explain why this administration sat on its hands for months and only now has come to realize the need for immediate and unprecedented Government action.

Where was he when it was called for during his first 7½ years? It is time for him to explain how he could tell our country for months that our economy was fine, the fundamentals were fine, yet overnight declare that if American taxpayers do not accept his bailout proposal, our country will face economic disaster.

And, most importantly, it is time for him to explain how his plan, drafted literally under the cover of darkness, will help America weather this storm. This is not the Paulson plan. This is not the Bernanke plan. This is not the Congress's plan. This is the Bush plan. It is time for him to take ownership and demonstrate leadership. He is our



President, and it is time for him to realize that the buck stops with him, as President Truman said.

If President Bush is serious about passing legislation quickly, he should address our country and make his case. Then he should seek to work with Members of both parties to reach a reasonable solution that American workers, families, small and large businesses all desperately need.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

#### ORDER FOR RECESS SUBJECT TO THE CALL OF THE CHAIR

Mr. REID. Mr. President, we have had a Senator object to a very important hearing taking place this afternoon. Therefore, we are going to have to recess at probably about 2:30 subject to the call of the Chair.

It is my understanding that the distinguished Republican leader is going to come to speak in an hour, hour and a half, but perhaps around 2:15. I ask unanimous consent that the Senate stand in a period of recess following the remarks of the Republican leader subject to the call of the Chair.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DORGAN. 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. DORGAN. Mr. President, is the Senate in morning business?

The PRESIDING OFFICER. That is correct.

Mr. DORGAN. I ask unanimous consent to speak for up to 30 minutes.

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

#### THE ECONOMY

Mr. DORGAN. Mr. President, I have often described on the floor the lyrics of Bob Will's and the Texas Playboys' song from the 1930s:

The little bee sucks the blossom and the big bee gets the honey; the little guy picks the cotton and the big guy gets the money.

Never is that more true than what we see today with the prospect of unbelievable financial bailouts and the mechanics of what is happening on Wall Street and the wreckage of the financial system. I wish to show my col-

leagues this about the bailouts by the administration. Everybody is talking about a \$700 billion proposed bailout by the Federal Reserve and Treasury Secretary Paulson. In fact, the Federal Reserve previously committed \$29 billion so J.P. Morgan could buy Bear Stearns, the investment bank that was failing. In addition, the Fed opened its discount window for direct loans to non-regulated banks for the first time since the Great Depression. We understand that this program and two other Fed loan programs total some \$300 billion. There is another \$300 billion for the Federal Housing Administration, and about \$200 billion for Fannie and Freddie; JPMorgan Chase for Lehman financing, \$87 billion; AIG insurance, \$85 billion; \$50 billion for money market funds that was offered as a guarantee; and now the prospect of \$700 billion is pending. That isn't just \$700 billion; that totals \$1.7 trillion. Even if the Congress decides not to provide the \$700 billion bailout that is being requested, there already exists \$1 trillion that have been offered to try to stabilize the financial system.

Now, the question is, How did we get into this mess? What caused this wreckage? What do we think we should do about it? I wish to talk for a bit about what caused this. I take no pride in being right 9 years ago as one of eight Senators who voted against the Financial Modernization Act. That act was a bunch of folks who sold to the Congress the proposition that what we put in place for protection in the 1930s, during the Great Depression, to separate banking from more speculative enterprises, such as real estate and securities—the decision was that that is old-fashioned, don't keep doing that; let's allow these companies to merge, to create massive financial holding companies—a kind of financial cafeteria under one roof. Let's bring them together, and you can build firewalls inside the organization. So the Financial Modernization Act was passed.

I said on the floor of the Senate then that within 10 years I believe we will see massive bailouts that will be paid for by the American taxpayer. I regret that I was right. It should not have happened, however. I wish to talk about what has happened as a result of taking down the basic protections. Let me go back to the start of two things—one I mentioned—the Financial Modernization Act, which took apart the protections. Second, a group of people came to this town boasting that they weren't interested in regulating. People were put into positions where they were supposed to regulate and decided not to regulate. Those two pieces together, taking apart the protections in law and putting in place people who wanted to be willfully blind in deciding not to regulate, steered us right toward the cliff. Here is what began to happen across the country. Most Americans saw this because you could not miss it. You wake in the morning and perhaps you brush your teeth or you shave in

front of a mirror and you might have a small television set that you are watching, seeing what is going on, and the advertisements come on—and they are always louder than the programs. The advertisements say: Hey, if you have been bankrupt or if you have bad credit, you can get a loan from us. Do you think you are paying too much for your home loan? Are your house payments too high? Get a loan from us.

This was the biggest mortgage bank in the country, Countrywide. They advertised this:

Do you have less than perfect credit? Do you have late mortgage payments? Have you been denied by other lenders? Call us.

America's biggest mortgage bank was saying: Have you got bad credit? Call us. Want a loan? Call us.

Millennia Mortgage said this in their advertisements:

Twelve months, no mortgage payments. That's right, we will give you the money to make your first 12 payments if you call in the next 7 days. We pay it for you. Our loan program may reduce your current monthly payment by as much as 50 percent and allow you no payments for the first 12 months. Call us today.

So Millennia Mortgage was saying: Get a mortgage from us. We will pay the first 12 months. They didn't say, of course, that that money you are not paying is going to go on the back end of the loan, with interest, and will substantially increase the cost of your loan.

Zoom Credit, in their advertisement, said this:

Credit approval is just seconds away. Get on the fast track at Zoom Credit. At the speed of light, Zoom Credit will preapprove you for a car loan, a home loan, or a credit card. Even if your credit is in the tank, Zoom Credit is like money in the bank.

Again, they say that even if your credit is in the tank, Zoom Credit is like money in the bank.

Zoom credit specializes in credit repair and debt consolidation, too. Bankruptcy, slow credit, no credit—who cares?

That is what they advertise. I don't know who the president of Zoom Credit was or who the president of Millennia was. I know who the president of Countrywide was. I know he is out of that company. That company is now collapsed and sold. He ended up with somewhere north of \$140 million in unbelievable outer-space compensation. I don't know who these company presidents were, but I assume the brokers and CEOs of these companies were wallowing in money. They were all wallowing in money like hogs in a corn crib, grunting and snorting, making out like bandits—billions of dollars. In fact, in the 9 years that have led up to this period, the bonuses on Wall Street were \$200 billion. I am not talking about salaries. I am talking about bonuses. In 9 years, it was \$200 billion. It was \$33 billion last year alone. So everybody is making money. They are advertising to people: got bad credit, bankrupt, slow pay, no pay? Doesn't matter. Come to us and get a mortgage.

So they were writing mortgages in the dim light of these rooms, with brokers who are breathless to get their bonuses and mortgage banks interested in putting the mortgages out there. They are advertising we can give you teaser rates. Want to pay a 1 percent rate? We can do that. Two percent? We can do that. Then they would create a mortgage at a teaser rate, with a reset in 3 years maybe to 9 or 10 percent, which is locked in with a prepayment penalty so you cannot prepay it. It is a reset that the borrower cannot possibly pay. But they say: Don't worry about that; the housing prices are going up, up, up, and all you have to do is get this mortgage from us, and when it resets, it is true that you will not be able to pay it, but you can flip the property in 2 years. That is not a problem. You will make money.

So they put these bad mortgages out there—bad mortgages all around—and they would combine them with a few good mortgages and put them into a security and splice and dice them and cut them up, like they used to package sawdust in sausage years ago. Then they would sell them upstream, from the mortgage bank to the hedge funds and investment bank. They are all fat and happy because they all know the return embedded in these securities is a very substantial return. The mortgage holder is locked into it because they have prepayment penalties. None of them were smart enough, even as they were collecting massive incomes, to understand that the people who were going to have to make the payments could not possibly make the mortgage payments once they were reset.

So at some point, mortgages began to reset. It is estimated that 2 million American families will sometime over the next year come home and sit around the supper table and discuss the fact that this is their last night in their home because they are losing the home because they cannot pay their mortgage. I am not talking about 2,000 or 20,000 or 200,000 families; I am talking about 2 million American families.

It has caused a precipitous drop in property values around the country. It broke the bubble of the escalating price of housing and then began to collapse it. It has had a profound impact on most American families. The most significant form of equity for most American families was their home equity. Similar to the tent pole being pulled out of a big tent, it collapsed. We have people sitting back and thumbing their suspenders, wondering how this could have happened. It doesn't take a genius to figure it out. Where were the people who were supposed to regulate in this town when they saw this practice of advertising mortgage conditions that you knew the borrowers could not meet? Where were the regulators? They were sitting by with grins on their faces because they were engaged in other things; they weren't regulating. So now we have this unbelievable financial wreckage.

We see major investment firms that have been around since the Civil War going bankrupt. We see runs on some of the funds in the investment banks. On Monday, we saw the most significant drop in the value of the dollar in a single day, and the most significant increase in the price of a barrel of oil in a single day, even as the stock market dropped 500-plus points on the same day.

So the question is: What do you do about this financial wreckage? How do you put this back together? Even as the Treasury Secretary and the Chairman of the Federal Reserve Board are now over before a committee of the House today, describing their plan to put this back together. As I indicated earlier, their plan is to provide \$700 billion to take the toxic mortgage-backed securities off the hands of those who invested in them, which, by the way, then adds up to about \$1.7 trillion having been committed of American taxpayers' money—even as they are doing that, nobody is talking about how you fix the underlying problem. You can pour something in the top, but if you have not put a stopper in the drain, you are going to pour it right out the bottom.

Let me describe what I discovered today. I went to the Internet today. While the Treasury Secretary and Fed Chairman are over testifying about how you deal with the financial wreckage, and how much you ask the American taxpayer to pay for this malfeasance, I found this. I was just curious how many places on the Internet I could still find the same business practices of advertising to come and get a loan if you have been bankrupt or if you have bad credit. Well, I found 325 cases on the Internet where they would provide you a home loan and promise they would not check your credit. Again, they would not check your credit. Isn't that interesting? Talk about bad business practices. There are 325 companies advertising get a loan from us and we will not check your credit. Most people don't believe it when I say these mortgage companies, who put out these toxic mortgages, were advertising "no doc" loans. It doesn't have anything to do with doctors. That means you can get a mortgage from them for your home without having to document your income. You are going to ask them to provide the funding for you to buy a home, and they say you don't have to document your income to us in order to get that loan. That is so far afield and ignorant, in my judgment, of what you would expect in terms of sound business practices that it is even hard to describe.

Here is what is on the Internet this morning. Easy loan for you. It says that you can get your loan, without collateral, in a couple days. Even with bad credit, no credit or bankruptcy, your unsecured loan is completely guaranteed. Think of that. We have people asking over in a House committee today to have the American

taxpayers provide \$700 billion for a bailout. And on the same day, on the Internet, here is a company that is advertising that they will give you a loan with no collateral. It will take a couple days. Even if you have bad credit, no credit, or bankruptcy, we will guarantee your unsecured loan. Is somebody going to fix this, I wonder.

Here is what I found on the Internet this morning. SpeedyBadCreditLoans.com. Think of that. Isn't that unbelievable, SpeedyBadCreditLoans.com. I guess there is a dot.com for almost everything, including speedy bad credit. If you have bad credit, type in your characteristics. I have bad credit. Can I get a mortgage? Can I get a loan? Bad credit loans. Bad credit, no problem; no credit, no problem; bankruptcy, no problem. Get a guaranteed bad credit personal loan today.

I am wondering if those we are paying to be regulators in the Federal agencies today who are supposed to deal with predatory lending, deceptive practices, I wonder if they are still asleep at their desks or are they going to the Internet to find out these kinds of business practices exist on the Internet? Probably not.

I found this today as well. I could do this all day because it is all over the Internet. "Bad credit personal loans, a Christian faith-based service. Fast results in just 60 seconds." There is a modicum of responsibility here. It says you have to reside in the United States. That is really helpful, I guess. Bad credit personal loans. If you have bad credit and some Christian faith, if you live in the United States, we have some money for you.

This is an example of a cesspool of greed, and we can't possibly begin addressing these issues, the underlying problems on Wall Street, the financial wreckage that has been caused, without addressing this situation. You are going to decide to bail out whatever, you are going to put up \$1.7 trillion and try to stabilize things when you have this sort of thing going on in the country? This is almost unbelievable.

On Monday, there was an analysis of what happened in the marketplace. Why was there a precipitous, larger than ever, 1-day drop in the value of the dollar? Why was there the largest 1-day runup in the price of oil, accompanied by a 300-plus point drop in the market? Most of the analysis was people were concerned about the value of the dollar, throwing massive amounts of credit, the substantial amount of money that is being provided to bail out firms to provide undergirding loans for firms. All of this is added to the Federal debt, by the way, which itself is about \$700 billion in trade debt in this year, about \$700 billion in fiscal policy debt in this year. That's almost 10 percent of this country's GDP in 1 year. Analysts take a look at that and say: On top of that unbelievable debt and fiscal policy, you have run off the rails in fiscal policy, you are off the

rails in trade policy with unbelievable debt, we will now ante up a substantial amount of money for Federal bailouts, and analysts say: I worry about what that will do to the value of the dollar.

The electronic herd that bets on currency, the currency traders, when they go against a currency, they can destroy an economy and devalue the dollar, meaning people pull their investments and put it in gold and put it in commodities. That is what dramatically can destroy an economy.

It may well be true that might be worse. The destruction of the economy might be worse by dramatically eroding the value of the dollar and having the currency traders run against this dollar than not doing the \$700 billion that Secretary Paulson and Mr. Bernanke suggest.

I think it is the case that this Congress has a responsibility to do something. Doing nothing is not something that makes sense. We cannot decide: You know what, whatever is happening is happening; we are oblivious to it; we will decide to take the same tack regulators have taken in the last 7 years and sit around and observe and from time to time grin or just decide that we will be completely ambivalent about what is happening. We cannot do that. We have to take some action.

So the question is, What? First and most important for me is we have to restore the stability and the safety of the banking system. I think that means we should recreate the protections that existed after the Great Depression. It may not be that we recreate explicitly what Glass-Steagall provided, but the protections that it provided must exist going forward. Otherwise, we will not have done anything by bailing out anybody. We will still have the same circumstances existing in our economy, with people advertising on the Internet that we would like to put bad paper out, thereby giving mortgages to people with bad credit, bankruptcy, or other slow-pay problems in their credit history.

It makes no sense to me to ignore what happens when you merge or combine the functions of banking with the functions of investment in real estate and securities. Banking requires not just the reality of safety and soundness but the very perception of safety and soundness. If people perceive a bank is not safe and sound, they will run on the bank and the bank will fail, inevitably, regardless of how much capital it has. It will not have enough capital to withstand a run on the bank. That is why just the perception of the safety and soundness of banking enterprises is imperative. We went far afield in deciding that we will allow the fusing of inherently risky enterprises, investments and securities and real estate, to banking.

I know that some point to as a success allowing, for example, Bank of America to come in and purchase one of the failing investment banks. I don't view that as a success. At the moment,

it was able to forestall a failure. But now we have attached a large banking enterprise, whose perception of safety and soundness is critically important, to an investment bank that was failing. I don't see that as success. I think it is moving in exactly the wrong direction.

I want us to find a menu of ways to provide confidence to the American people that we are moving in the right direction. That requires a lot of things. No. 1, straighten out this wildly escalating trade deficit. We cannot have a \$60 billion-a-month trade deficit. That is what destroys your currency value. We have to get real on fiscal policy. We cannot continue to spend what we don't have on things we don't need. We have to find a way to create a fiscal policy that has some stability and balance to it. We have to address these business practices with effective regulation. We have to recreate the protections that existed for the banking system.

We have to address the wildly excessive and speculative incomes and salaries on Wall Street which I think incentivized reckless behavior. As I indicated, in the last 3 years on Wall Street, just the bonuses—I am not talking about salaries—just the bonuses were \$100 billion. Many of them went to the very people who steered us into this corral. In the old western movies, they used to call this a box canyon: there is only one way in and one way out. The same people who got us there made a massive amount of money putting us where we now are.

As I said, we need a system of regulation that gives us some accountability that laws are going to be followed, that we are going to regulate the deceptive practices, predator lending, and so on.

Then I think, as well, we need to have some period of forbearance on mortgages where people who can continue to make payments even under the original interest rate can make those payments for a period of time and continue to stay in those homes. That is the only way we will begin to put some strength under the value of homes. Otherwise, we will continue to see a collapsing of home values. As I said, 2 million families will lose their homes this year unless we find a way to take some action.

Finally, we should create a taxpayer protection task force. No matter what else we do, we need to investigate and claw back ill-gotten gains in which people have gotten away with billions of dollars by shady business practices.

Whatever this Congress decides to do or must do, the American taxpayer ought to have a share in the increased values of the investments that are made in their name.

There is one point that unites everybody in this Chamber, perhaps in this Congress, perhaps in the entire country. I don't think anybody knows what the right answer is. We certainly can take a look at this situation and understand now what caused much of

this, but I don't know that anybody has a magic bullet that says you do this and we immediately provide stability, we move this country toward higher ground, we have stopped some of the volatility. I don't know that anybody knows that. But I think the American taxpayers are plenty worried about what I think is a stampede in the wrong direction.

On Friday, we were told by the same people who have reassured us in recent months that things are OK, things are stable, don't worry. We were then told by the very same people that in the next several days, the American taxpayers need to ante up a \$700 billion bailout plan, following a substantial amount of money that has already been provided by the American taxpayers to bail out and to provide support for investment banks that were failing. And we are told: Here is a 3-page piece of legislation, one provision of which is that one person will decide where the \$700 billion goes, and that person's decision will not be reviewable by the courts or by the Congress. In my judgment, that is a nonstarter. Congress is not going to do that, should not do that.

The question is, What do we do in the coming couple of days to provide some assurance and stability? I think it makes some sense to go back to the fundamentals, and the fundamentals are, you start fixing that which caused this problem. You connect the protections that used to exist. If you start fixing, at the foundation, some of the issues that caused this problem, you will begin to engineer some confidence in this country.

Finally, I used to teach some economics briefly in college. I talked a lot about the supply-and-demand curves, and all of the things we know are in the books that describe the way the economy works. But no one really knows much about how the economy works. We all think we do. Economics is a little bit of psychology pumped up with helium. It is a lot of discussion about what we think might or might not happen.

The most important thing to understand about this economy is the American economy expands when people are confident about the future. If people think the future is going to be better for them and their family—they have a job, feel good, feel secure—they do things that manifest that security. They buy a home, buy a car, take a trip. They do things that manifest people's confidence in the future, and that creates economic expansion. If, on the other hand, people are not confident about the future and concerned about the future, concerned about their job, concerned about job security, then they do exactly the opposite. They decide not to buy that car. They decide not to take that trip. They defer the purchase they were going to make. And then we have economic contraction.

This is not about an engine room of a ship of state with a lot of levers and

gears and dials and gauges that you can get just right to make this economy work. This is a lot about consumer confidence, how do you provide confidence in the future. That is how we begin to expand this economy.

How can people have confidence in the future when they see these unbelievable wild gyrations that are occurring on Wall Street? How can they have confidence in the future when they know what the root of it is? People have been advertising to them that if you are bankrupt, if you have slow credit or no credit, come here, we will give you a loan. How can that engender confidence? And how can people have confidence in an economy where we have a President who says: You know what, we are going to go fight a war and not pay for it; I insist we not pay a penny; I insist that while we fight this war, we are going to charge every single cent, and if you in Congress want to pay for it, I will veto the bill that raises the funds. Is that going to give people confidence? I don't think so.

People have a right to be concerned about an economy that is deep in debt and getting deeper every day and a trade policy that ships our jobs overseas and ends up with a \$700 billion trade deficit every year that will have to be repaid with a lower standard of living in our country. People have a right to be concerned about that.

If you go back to the fundamentals and start putting some of this back together—a fiscal policy that makes sense, a trade policy that stands up for this country's economic interests, and firing the regulators who won't regulate, and put in place new regulations and new regulators who will do the job they are paid to do, and then restore the laws that provided protection so we don't fuse risk with banking—if you start doing those kinds of things and telling the American people we are going to bring back some of those ill-gotten gains, and we are going to stop these outer space incomes of hundreds of millions of dollars a year. In fact, the highest income earner last year was \$3.6 billion. That is a \$300-million-a-month paycheck. Does that seem a little out of line to you? It does to me.

I have covered a lot of ground, and my sense is that we have work to do to give the American people the comfort and the assurance that we are dealing with the fundamentals that will put this country back on better footing. We won't do that by deciding to write a check and offering up a bunch of money. It won't happen. I mean, that is not what is going to provide confidence to the American people. What will provide confidence is effective leadership, leadership that says here are the six or eight things that are wrong, we know they are wrong, we have known for some while, and now we are going to make them right. If we can we can work on those issues together, I think the American people finally will decide there is some leadership that will give us the opportunity for a better future.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

#### HEALTH CARE SAFETY NET ACT OF 2008

Mr. DORGAN. Mr. President, I ask unanimous consent that the HELP Committee be discharged from further consideration of H.R. 1343, and that the Senate proceed to its immediate consideration.

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

The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 1343) to amend the Public Health Service Act to provide additional authorizations of appropriations for the health centers program under section 330 of such Act, and for other purposes.

There being no objection, the Senate will proceed to consider the bill.

Mr. ENZI. Mr. President, I am pleased to be before this body and congratulate my colleagues on the work they have done to facilitate passage of the Health Care Safety Net Act. I sincerely appreciate the work of Senators KENNEDY and HATCH on this important issue; their leadership has led us to this point. I look forward to sending the bill to the President and seeing it signed into law.

Community health centers are a critical piece of the health care safety net and a vital piece of our health care system. The Community Health Center program has a long history of helping people get the care they need when illness or an emergency presents itself. Congress enacted the health centers program in the 1960s. Since that time, health centers have been regularly providing high quality health care to people living in rural and underserved areas, regardless of their ability to pay. The number of health centers continues to rise, and more people are getting the kind of high quality health care they have come to rely on every day.

A newly added provision in this bill requests the Comptroller General conduct a study on the implications of expanding the Federal Tort Claims Act to cover volunteer health care providers serving at community health centers. I am very supportive of encouraging health care providers to volunteer time serving underserved populations especially at community health centers, and I am interested to see the results of the study. I also have a separate piece of legislation, not included in this bill, that takes a slightly different approach at solving this problem. The Volunteer Health Care Program Act of 2008 provides grants to States that con-

tract with providers who provide charity care as an agent of the State and the State assumes the liability risk. I hope Members will consider this approach next Congress as we look to address the problems volunteers face.

This bill also reauthorizes the National Health Service Corps, the Corps, program for 5 years. The Corps assists health professional shortage areas in all parts of the United States to meet their primary care, oral, and mental health services needs. The bill clarifies that all federally qualified health centers and rural health clinics shall be automatically designated as having a health professional shortage. In my home State of Wyoming, we have a shortage of every type of provider, so I am glad this committee is reauthorizing this important program.

The bill also reauthorizes for 5 years the Rural Health Care Services Outreach program, which increases access to primary health care services for rural Americans. Most of Wyoming is not classified as rural; most of Wyoming is classified as frontier because we have such a geographically large state with so few residents. I am pleased these programs were reauthorized.

Additionally, I appreciate all the help of my friend Senator COLLINS, who championed the provisions reauthorizing the primary dental health workforce programs. This program awards grants to States that develop and implement innovative programs to address dental health workforce shortages. Many States are doing great things with these funds, and I plan to encourage my home State of Wyoming to apply for one of these grants. Improving dental health is a critical part of keeping folks healthy and preventing disease and I commend the work of my friend from Maine.

A new section of the bill promotes greater coordination of primary care providers during emergency situations. I am pleased to say Wyoming is leaps and bounds ahead of the rest of the country with regard to this provision. During Hurricane Katrina, other States sent volunteer providers to Louisiana, but their medical liability protections did not follow them. Wyoming enrolled providers in the Volunteer Medical Reserve Corp Program, which allowed the Wyoming volunteers to have medical liability protections that followed them to Louisiana. I applaud the health care providers in Wyoming who did the right thing by volunteering and the State efforts that ensured that their liability protections followed them to Louisiana. I hope other States will follow in Wyoming's footsteps and enroll volunteers in the Volunteer Medical Reserve Corps.

I also appreciate the leadership of Senators SMITH, BARRASSO, ROBERTS, GRASSLEY and the other members who championed revising the timeframe for recognition of certain designations in certifying rural health clinics under the Medicare Program. Because the

Medicare Program falls under the jurisdiction of the Finance Committee, we worked closely with the Finance Committee members and enlisted their support and expertise in designing this provision. I am pleased we could include this provision that will help rural health clinics continue to provide quality care to their patients.

Finally, I would be remiss if I didn't mention this Community Health Center bill is actually a part of step 9 of my 10-step plan to transform health care in America. Passing this bill puts us one step closer to fixing our health care system. I look forward to passing more of the 10 steps next Congress.

Mr. HATCH. Mr. President, as the lead Republican sponsor of the Health Care Safety Net Act with the chairman of the Senate Health, Education, Labor and Pensions, HELP, Committee, Senator KENNEDY, I am so pleased that the Senate approved this legislation earlier today. Members of the Senate HELP Committee, on both sides of the aisle, worked hard to ensure its passage, and I want to thank, in particular, Senator TED KENNEDY, Senator MIKE ENZI, Senator JUDD GREGG, Senator LAMAR AL-EXANDER, Senator RICHARD BURR, and Senator COBURN for their commitment in getting this legislation through the Senate.

I also want to thank my House colleagues, especially, House Energy and Commerce Committee chairman JOHN DINGELL and its ranking Republican member JOE BARTON for the leadership on this bill. Additionally, the Health Subcommittee chairman FRANK PALLONE and its ranking member NATHAN DEAL, along with Congresswoman DIANA DEGETTE and Congressmen GENE GREEN and BART STUPAK, were extremely helpful during our negotiations on this bill. And while, at times, it was not easy, I appreciate their willingness to work with the Senate on compromise legislation that will improve the lives of millions of uninsured and underinsured Americans.

This bill is expected to be considered by the House of Representatives tomorrow, and once it has been approved by the House, it will be sent to the President to be signed into law.

The health centers program was created over 40 years ago and has been providing health care to those without health coverage and those who are underinsured. These centers provide care to children, their parents, and their grandparents and are an important part of our country's health care safety net.

Community centers have made a tremendous difference for Utahns with insufficient health coverage. In fact, Utah community health centers provide care to close to 85,000 patients. They have not only filled in health coverage gaps, but they have also done an excellent job providing care to those with little or no coverage.

Utah health centers have made a tremendous difference in the lives of many Utahns—66 percent of patients

come from Utah's urban areas and 27 percent are from the rural parts of the State. Ninety-six percent of Utah's health center patients, incomes are below 200 percent of the Federal poverty level. Utah health centers have literally changed their lives—in rural areas, health centers are often the only health care provider.

Our bill will reauthorize the health center program for 5 more years and includes funding levels of \$2,065,000,000 in fiscal year 2008; \$2,213,000,000 in fiscal year 2009; \$2,602,000,000 in fiscal year 2010; \$2,940,000,000 in fiscal year 2011; and \$3,337,000,000 in fiscal year 2012.

H.R. 1343 also contains other important provisions relating to community health centers including a health care quality study conducted by the Department of Health and Human Services, HHS, on efforts to expand and accelerate quality improvement activities in community health centers.

In addition, our bill requires the Government Accountability Office, GAO, to conduct three studies. The first study would review integrated health systems as a model to expand access to primary and preventive services for medically underserved populations and improve care coordination and health care outcomes. The second GAO study would evaluate the economic costs and benefits of school-based health centers and their impact on the health of students. The final study would make recommendations on policy options that would encourage health care practitioners to work as volunteers in health centers.

The Health Care Safety Net Act allows the Secretary of HHS to recognize the unique needs of high poverty areas in awarding grants, something that was important to members representing these parts of the country.

The legislation reauthorizes the National Health Service Corps, NHSC, at \$55 million over 5 years and also makes permanent the automatic health professions shortage area designation that community health centers currently have, allowing them to cut down on the cumbersome paperwork that can delay NHSC placements. The bill requires the NHSC to assist the Corps members in professional development opportunities.

H.R. 1343 also reauthorizes the State Loan Repayment Program through 2012 and makes the District of Columbia and the territories eligible for this program, which is part of the overall strategy to improve access to health care in underserved communities.

Our bill reauthorizes the Primary Dental Workforce and Rural Healthcare Programs, which increases access to dental care in underserved areas by providing matching funds for States to use in training, recruiting, and placing dentists. In addition, the bill reauthorizes the rural health care programs at \$45 million per year through 2012. I would like to thank Senator SUSAN COLLINS for working with us on this important provision.

The legislation improves access to primary care during public health

emergencies by improving coordination between health centers, State and local emergency planners, and existing Federal programs for medical volunteers.

Finally, the bill prevents rural health clinics, RHC, from losing Medicare certification by including a technical fix that aligns Health Resources and Services Administration, HRSA, and the Centers for Medicare and Medicaid Services, CMS, standards so that all RHC shortage area designations are reviewed every 4 years. This provision was extremely important to members of the Senate Rural Health Care Caucus, and I would like to thank Senators PAT ROBERTS, TOM HARKIN, GORDON SMITH, RON WYDEN, KENT CONRAD, and JOHN BARRASSO for bringing this important matter to our attention. I also want to thank Finance Committee chairman MAX BAUCUS and its ranking member CHUCK GRASSLEY for their willingness to include this provision in this bill.

Community health centers have made a huge impact in people's lives. I am pleased and proud that our legislation has been approved by the Senate, and I urge my House colleagues to approve this important bill as quickly as possible. This legislation will not only allow health centers to continue providing people with essential health care services but also will ensure that the health centers will have the funding necessary to provide these important services.

Mr. DORGAN. Mr. President, I ask unanimous consent that a 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 any statements related to the bill be printed in the RECORD.

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

The amendment (No. 5642) was agreed to.

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

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

The bill (H.R. 1343), as amended, was read the third time, and passed.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

The Senator from Pennsylvania is recognized.

#### COSPONSORSHIP OF S. 334, THE HEALTHY AMERICANS ACT

Mr. SPECTER. Mr. President, I have sought recognition for the purpose of

introducing or cosponsoring the Healthy Americans Act, S. 334, legislation which is directed to cover the some 47 million Americans who are not covered by health insurance. It is a bipartisan bill which has 16 cosponsors, half Republicans and half Democrats. It has been sponsored principally by Senator WYDEN, Democrat of Oregon, and Senator BENNETT, Republican of Utah. I believe it provides the basis for moving ahead on this very important subject.

We have long struggled to cover all Americans with health insurance. In a detailed statement, which I am about to submit, I have recounted the efforts which this Senator has made over the course of my tenure in the Senate; beyond the bill's own coverage, the work which has been done on the Appropriations Labor, Health and Human Services Subcommittee; and legislation in which Senator HARKIN and I, on a bipartisan basis, have taken the lead in increasing funding for the NIH from \$12 to \$30 billion.

This proposal, S. 334, has a number of issues which I think need further analysis and further study and modification, as noted in the text of the statement. But I believe it is an excellent starting point and, having some 16 cosponsors, the most I have seen on a bipartisan piece of legislation to address this very important subject, I think it has an excellent opportunity in the next Congress to provide the basis for moving ahead for the appropriate coverage of all Americans.

We are facing a grave situation in America where millions of Americans do not have health insurance coverage. As the cost of health care is increasingly prohibitive and access to insurance is reduced, the number of uninsured will continue to climb.

It is estimated that nearly 47 million Americans are without health insurance. This includes the nearly 38 million individuals who have full or part time employment and still are without health care coverage. Of significant concern is the number of young adults lacking insurance: with an estimated 28 percent of those young people without insurance.

Individuals without insurance suffer from both acute and far reaching consequences. It ultimately compromises a person's health because he or she is less likely to receive preventive care, more likely to be hospitalized for avoidable health problems, and more likely to be diagnosed in the late stages of diseases. Additionally, lack of insurance coverage leaves individuals and their families financially vulnerable to higher out-of-pocket costs for their medical bills.

It is my belief that we can and should fix the problems felt by uninsured Americans with a system that does not resort to a single payer system and one that involves the private insurance industry. We must enact reforms that enhance our current market-based health care system.

The legislation I want to discuss today is S. 334, The Healthy Americans Act, which would provide access to health insurance for all Americans. Senator WYDEN introduced this legislation on January 18, 2007, and since then, it has gained support from an impressive group of bipartisan Senators, including BENNETT, ALEXANDER, NELSON from Florida, GREGG, COLEMAN, GRASSLEY, LANDRIEU, STABENOW, CRAPO, LIEBERMAN, CARPER, INOUE, CORKER, SMITH and CANTWELL. Today I am pleased to add my name to the list of cosponsors of S.334.

The Healthy Americans Act uses the private health insurance market to ensure that all Americans have access to a quality plan they can afford. This legislation has a number of components that will address the problems that plague our current health insurance system.

To begin, S. 334 provides so-called "portability," which allows individuals to retain their health insurance regardless of the job they hold. In today's changing society, many Americans no longer stay with the same employer for long periods of time. Moving from job to job may mean the loss of health insurance, a new insurance carrier, or a gap in health care. The Healthy Americans Act seeks to provide consistent insurance coverage in a fluid job market.

Additionally, the Healthy Americans Act offers assistance for those who need it most by providing premium assistance for individuals and families with incomes below 400 percent of the poverty level—or \$41,600 and \$84,800 respectively. This provision aids those individuals that are employed but their income is insufficient to afford insurance. The assistance is based on a sliding scale with those with lower incomes receiving the greatest help. Individuals below 100 percent of the poverty level—\$10,400 for an individual or \$21,200 for a family—receive full assistance with their insurance premiums.

While I am cosponsoring this legislation, I have some concerns that need to be addressed as the debate on this important issue moves forward. For instance, the potential new tax obligations associated with the Healthy Americans Act on both individuals and on businesses warrant further consideration. Concerns have been raised that this bill is not tax-neutral, meaning that new tax obligations created by this legislation are not completely matched by new or increased tax benefits. This resulting imbalance, or lack of tax neutrality, is argued by some to be a tax increase. Specifically, individuals would be required to pay their insurance premiums through the Federal tax withholding system, as opposed to the current model where premiums are paid to insurers through their employer. Payments would pass through the IRS on the way to newly created regional purchasing organizations called health help agencies—HHAs—and ultimately to the private insurer.

The payment system, or collection, is technically a tax because it is being collected by the IRS. However, it is important to note that the Government will not keep those dollars and will not have discretion over how they are spent. Nevertheless, this payment system deserves further analysis on the issue of tax-neutrality.

S. 334 would require all businesses to pay an assessment of between 2 percent and 25 percent of average per worker premiums. The rate paid depends on the number of people it employs. I have concerns that this provision is structured as a tax. However, it is important to note that businesses would see some benefits as a result of the bill. They would be freed from the administrative burden of providing health care for employees because the individual would carry the responsibility of obtaining a private plan.

Because employers would be required to pay increased wages—in lieu of providing a health plan, they would also be subject to additional payroll tax obligations—i.e. Social Security and Medicare. An employee's increased payroll tax obligation is offset by a tax deduction provided in the bill. There is no corresponding deduction for the employer to offset their additional payroll tax obligations, and one should also be considered, because the bill's purpose is not to increase payments to Social Security and Medicare. The sponsor's intention of maintaining a budget-neutral bill is also worth consideration.

The mandate of paying increased wages only lasts for 2 years under the bill, after which time market forces would determine total compensation. Consideration should be given to retaining the employer payroll increase indefinitely to defray the cost of health insurance. Market forces may not sufficiently compensate employees when an employer decides to cut wages beyond the 2-year time frame. This would harm an employee's ability to purchase health insurance.

I am also concerned with the elimination of specific tax benefits for corporations that do business abroad, though it is my understanding that the sponsors are not wedded to elimination of these specific items. The argument has been made by proponents that the Wyden bill makes U.S. firms more competitive internationally because it removes the burden on employers to administer health care plans for their employees. Often foreign firms do not have that burden. To that end, the sponsor has chosen to eliminate certain tax preferences to multinational corporations as a way to raise revenue. I believe that greater consideration should be given to whether the benefit to employers of not having to administer a health care plan outweighs the elimination of these provisions.

First, the elimination of the section 199 manufacturing deduction raises concerns for our exporters. The section 199 deduction allows manufacturing



firms of all kinds to take a tax deduction for their U.S.-based business activities. The deduction was 3 percent in tax years 2005 and 2006, 6 percent in tax year 2007, and is scheduled to be 9 percent by 2010. This tax benefit was enacted as part of the so-called FSC/ETI legislation in 2004 to replace an export tax incentive that was ruled to be in violation of our international trade commitments. At the same time, it sought to boost the ability of manufacturers to compete in the global marketplace.

Second, the bill would eliminate deferral of income from foreign corporations that are owned by a U.S. parent company. Under current law, U.S. taxes do not apply to the foreign income of U.S.-owned corporations chartered abroad. As a result, a U.S. firm can indefinitely defer U.S. tax on its foreign income as long as the foreign subsidiary's income is reinvested overseas. U.S. taxes apply when the income is repatriated back to the U.S. Ending this deferral strategy could have the negative impact of encouraging the U.S. parent firm to relocate abroad or to limit the size of their operations in the U.S.

S. 334 also requires all Americans to obtain health insurance. Eligible insurance plans include not only those purchased through this program, but health care coverage through Medicare, the Department of Defense, the Department of Veterans Affairs, Indian Health Service, or a retiree health plan. I am concerned that this mandate will put a burden on individuals and families that may not be able to afford the program despite assistance.

This concern is shared by fellow cosponsor Senator CHUCK GRASSLEY who stated that:

... the act would require all individuals to buy health insurance. I support accessibility to private insurance and differ with my colleagues on this point.

This is an issue that must be more closely examined.

This bill also holds the Blue Cross/Blue Shield Standard Plan provided under the Federal Employees Health Benefit Program as the standard for the program. While I believe that everyone should have access to this level of coverage, it does not allow for variety in the types of insurance plans that would be available under the program. The current market allows for different types of plans, which should be available under the Healthy Americans plan. When Senator NORM COLEMAN signed on as a cosponsor of S. 334, he similarly noted:

While I certainly believe people should have access to this level of coverage, I don't think it should be the only option. My vision of health reform does not include this one-size-fits-all approach. Instead, I support giving people access to a variety of health insurance options and the ability to make informed choices.

The vetting of this bill is already underway. Senators WYDEN, BENNETT, GRASSLEY, and STABENOW have taken

steps to provide flexibility in the program by allowing businesses and employees to choose the best health insurance program for employees. An amendment has been filed to allow businesses to continue to offer health insurance to employees under the current system, yet employees would still have the option to enter the Health Help Agency and obtain a health Americans private insurance plan.

While these concerns are important and should be addressed, this bipartisan effort makes an important step forward in the ongoing quest to provide health insurance to all Americans. I believe the Healthy Americans Act contains excellent ideas and should be the basis for future discussions on health insurance reform. This sentiment is shared by Senator JUDD GREGG, who when he joined this bill, stated:

that by joining forces with colleagues on both sides of the aisle on a private market approach, we can begin a bipartisan dialogue, work through our differences, and find workable solutions that will result in a better health care system for all.

I look forward to working with my colleagues to provide a health insurance system that can provide quality healthcare to all Americans.

I have advocated health care reform in one form or another throughout my 28 years in the Senate. My strong interest in health care dates back to my first term, when I sponsored S. 811, the Health Care for Displaced Workers Act of 1983, and S. 2051, the Health Care Cost Containment Act of 1983, which would have granted a limited antitrust exemption to health insurers, permitting them to engage in certain joint activities such as acquiring or processing information and collecting and distributing insurance claims for health care services aimed at curtailing then-escalating health care costs. In 1985, I introduced the Community-based Disease Prevention and Health Promotion Projects Act of 1985, S. 1873, directed at reducing the human tragedy of low birth weight babies and infant mortality. Since 1983, I have introduced and cosponsored numerous other bills concerning health care in our country.

During the 102nd Congress, I pressed the Senate to take action on the health care market issue. On July 29, 1992, I offered an amendment to legislation then pending on the Senate floor, which included a change from 25 percent to 100 percent deductibility for health insurance purchased by self-employed individuals, and small business insurance market reforms to make health coverage more affordable for small businesses. Included in this amendment were provisions from a bill introduced by the late Senator John Chafee, legislation which I cosponsored and which was previously proposed by Senators Bentsen and Durenberger. When then-majority leader Mitchell argued that the health care amendment I was proposing did not belong on that bill, I offered to withdraw the amendment if he would set a date certain to

take up health care, similar to an arrangement made on product liability legislation, which had been placed on the calendar for September 8, 1992. The majority leader rejected that suggestion, and the Senate did not consider comprehensive health care legislation during the balance of the 102nd Congress. My July 29, 1992, amendment was defeated on a procedural motion by a vote of 35 to 60, along party lines.

The substance of that amendment, however, was adopted later by the Senate on September 23, 1992, when it was included in a Bentsen/Durenberger amendment which I cosponsored to broaden tax legislation, H.R. 11. This amendment, which included essentially the same self-employed tax deductibility and small group reforms I had proposed on July 29 of that year, passed the Senate by voice vote. Unfortunately, these provisions were later dropped from H.R. 11 in the House-Senate conference.

On August 12, 1992, I introduced legislation entitled the Health Care Affordability and Quality Improvement Act of 1992, S. 3176, that would have enhanced informed individual choice regarding health care services by providing certain information to health care recipients, would have lowered the cost of health care through use of the most appropriate provider, and would have improved the quality of health care.

On January 21, 1993, the first day of the 103rd Congress, I introduced the Comprehensive Health Care Act of 1993, S. 18. This legislation consisted of reforms that our health care system could have adopted immediately. These initiatives would have both improved access and affordability of insurance coverage and would have implemented systemic changes to lower the escalating cost of care in this country.

On March 23, 1993, I introduced the Comprehensive Access and Affordability Health Care Act of 1993, S. 631, which was a composite of health care legislation introduced by Senators COHEN, KASSEBAUM, BOND, and MCCAIN, and included pieces of my bill, S. 18. I introduced this legislation in an attempt to move ahead on the consideration of health care legislation and provide a starting point for debate. As I noted earlier, I was precluded by Majority Leader MITCHELL from obtaining Senate consideration of my legislation as a floor amendment on several occasions. Finally, on April 28, 1993, I offered the text of S. 631 as an amendment to the pending Department of the Environment Act, S. 171, in an attempt to urge the Senate to act on health care reform. My amendment was defeated 65 to 33 on a procedural motion, but the Senate had finally been forced to contemplate action on health care reform.

On the first day of the 104th Congress, January 4, 1995, I introduced a slightly modified version of S. 18, the Health Care Assurance Act of 1995, which contained provisions similar to

those ultimately enacted in the Kassebaum-Kennedy legislation, including insurance market reforms, an extension of the tax deductibility of health insurance for the self employed, and tax deductibility of long term care insurance.

I continued these efforts in the 105th Congress, with the introduction of Health Care Assurance Act of 1997, S. 24, which included market reforms similar to my previous proposals with the addition of a new title I, an innovative program to provide vouchers to States to cover children who lack health insurance coverage. I also introduced title I of this legislation as a standalone bill, the Healthy Children's Pilot Program of 1997, S. 435, on March 13, 1997. This proposal targeted the approximately 4.2 million children of the working poor who lacked health insurance at that time. These are children whose parents earn too much to be eligible for Medicaid, but do not earn enough to afford private health care coverage for their families.

This legislation would have established a \$10 billion/5-year discretionary pilot program to cover these uninsured children by providing grants to States. Modeled after Pennsylvania's extraordinarily successful Caring and BlueCHIP programs, this legislation was the first Republican-sponsored children's health insurance bill during the 105th Congress.

I was encouraged that the Balanced Budget Act of 1997, signed into law on August 5, 1997, included a combination of the best provisions from many of the children's health insurance proposals throughout that Congress. The new legislation allocated \$24 billion over 5 years to establish State Child Health Insurance Program, funded in part by a slight increase in the cigarette tax.

During the 106th, 107th, 108th Congresses, I again introduced the Health Care Assurance Act. These bills contained similar insurance market reforms, as well as new provisions to augment the new State Child Health Insurance Program, to assist individuals with disabilities in maintaining quality health care coverage, and to establish a national fund for health research to supplement the funding of the National Institutes of Health. All these new initiatives, as well as the market reforms that I supported previously, work toward the goals of covering more individuals and stemming the tide of rising health costs.

My commitment to the issue of health care reform across all populations has been consistently evident during my tenure in the Senate, as I have come to the floor and offered health care reform bills and amendments on countless occasions. I will continue to stress the importance of the Federal Government's investment in and attention to the system's future.

As my colleagues are aware, I can personally report on the miracles of modern medicine. In 1993, an MRI de-

tected a benign tumor, meningioma, at the outer edge of my brain. It was removed by conventional surgery, with 5 days of hospitalization and 5 more weeks of recuperation. When a small regrowth was detected by a follow-up MRI in June 1996, it was treated with high powered radiation using a remarkable device called the "Gamma Knife." I entered the hospital on the morning of October 11, 1996, and left the same afternoon, ready to resume my regular schedule.

In July 1998, I was pleased to return to the Senate after a relatively brief period of convalescence following heart bypass surgery. This experience again led me to marvel at our health care system and made me more determined than ever to support Federal funding for biomedical research and to support legislation which will incrementally make health care available to all Americans.

In February 2005, I received tests at Thomas Jefferson University Hospital for persistent fevers and enlarged lymph nodes under my left arm and above my left clavicle. The testing involved a biopsy of a lymph node and biopsy of bone marrow. The biopsy of the lymph node was positive for Hodgkin's disease; however the bone marrow biopsy showed no cancer. A follow up PET scan and MRI at the University of Pennsylvania Abramson Cancer Center established that I had stage IVB Hodgkin's disease. After successful chemotherapy treatment I received a "clean bill of health."

Three years later, I received the test results from a routine PET scan, which showed a mild recurrence of Hodgkin's disease. I was once again undertook a chemotherapy regimen, which I have recently successfully completed.

My concern about health care has long predated my own personal benefits from diagnostic and curative procedures. As I have previously discussed, my concern about health care began many years ago and has been intensified by my service on the Appropriations Subcommittee on Labor, Health and Human Services, and Education—LHHS.

My own experience as a patient has given me deeper insights into the American health care system beyond my perspective from the U.S. Senate. I have learned: No. 1 patients sometimes have to press their own cases beyond doctors' standard advice; No. 2 greater flexibility must be provided on testing and treatment; No. 3 our system has the resources to treat the 47 million Americans currently uninsured; and No. 4 all Americans deserve the access to health care from which I and others with coverage have benefited.

I believe we have learned a great deal about our health care system and what the American people are willing to accept in terms of health care coverage provided by the Federal Government. The message we heard loudest was that Americans do not want the Government to have a single payer Government operated system.

While I would have been willing to cooperate with the Clinton administration in addressing this Nation's health care problems, I found many areas where I differed with President Clinton's approach to solutions. I believe that the proposals would have been deleterious to my fellow Pennsylvanians, to the American people, and to our health care system as a whole. Most importantly, as the President proposed in 1993, I did not support creating an expansive new Government bureaucracy.

On this latter issue, I first became concerned about the potential growth in bureaucracy in September 1993 after reading the President's 239-page preliminary health care reform proposal. I was surprised by the number of new boards, agencies, and commissions, so I asked my legislative assistant, Sharon Helfant, to make me a list of all of them. Instead, she decided to make a chart. The initial chart depicted 77 new entities and 54 existing entities with new or additional responsibilities.

When the President's 1,342-page Health Security Act was transmitted to Congress on October 27, 1993, my staff reviewed it and found an increase to 105 new agencies, boards, and commissions and 47 existing departments, programs and agencies with new or expanded jobs. This chart received national attention after being used by Senator Bob Dole in his response to the President's State of the Union address on January 24, 1994.

The response to the chart was tremendous, with more than 12,000 people from across the country contacting my office for a copy; I still receive requests for the chart. Groups and associations, such as United We Stand America, the American Small Business Association, the National Federation of Republican Women, and the Christian Coalition, reprinted the chart in their publications—amounting to hundreds of thousands more in distribution. Bob Woodward of the Washington Post later stated that he thought the chart was the single biggest factor contributing to the demise of the Clinton health care plan. And during the November 1996 election, my chart was used by Senator Dole in his presidential campaign to illustrate the need for incremental health care reform.

The reforms we must enact need to encompass all areas of health. This must start with preventive health care and wellness programs. This starts at birth with prenatal care. We know that in most instances, prenatal care is effective in preventing low-birth-weight babies. Numerous studies have demonstrated that low birth weight does not have a genetic link but is instead most often associated with inadequate prenatal care or the lack of prenatal care. It is a human tragedy for a child to be born weighing 16 ounces with attendant problems which last a lifetime. I first saw one pound babies in 1984 and I was astounded to learn that Pittsburgh, PA, had the highest infant mortality rate of African-American babies

of any city in the United States. I wondered how that could be true of Pittsburgh, which has such enormous medical resources. It was an amazing thing for me to see a 1-pound baby, about as big as my hand. However, I am pleased to report that as a result of successful prevention initiatives like the Federal Healthy Start program, Pittsburgh's infant mortality has decreased 24 percent.

To improve pregnancy outcomes for women at risk of delivering babies of low birth weight and to reduce infant mortality and the incidence of low-birth-weight births, as well as improving the health and well-being of mothers and their families, I initiated action that led to the creation of the Healthy Start program in 1991. Working with the first Bush administration and Senator HARKIN, as chairman of the Appropriations Subcommittee, we allocated \$25 million in 1991 for the development of 15 demonstration projects. This number grew to 75 in 1998, to 96 projects in 2008. For fiscal year 2008, we secured \$99.7 million for this vital program.

To help children and their families to truly get a healthy start requires that we continue to expand access to Head Start. This important program provides comprehensive services to low income children and families, including health, nutritional, and social services that children need to achieve the school readiness goal of Head Start. I have strongly supported expanding this program to cover more children and families. Since fiscal year 2000, funding for Head Start has increased from \$5.3 billion to the 2008 level of \$6.9 billion. Additional funding has extended the reach of this important program to over 1 million children.

The LHHS Appropriations bill also has made great strides in increasing funding for a variety of public health programs, such as breast and cervical cancer prevention, childhood immunizations, family planning, and community health centers. These programs are designed to improve public health and prevent disease through primary and secondary prevention initiatives. It is essential that we invest more resources in these programs now if we are to make any substantial progress in reducing the costs of acute care in this country.

As ranking member and chairman of the LHHS Appropriations Subcommittee, I have greatly encouraged the development of prevention programs which are essential to keeping people healthy and lowering the cost of health care in this country. In my view, no aspect of health care policy is more important. Accordingly, my prevention efforts have been widespread.

I joined my colleagues in efforts to ensure that funding for the Centers for Disease Control and Prevention, CDC, increased from \$2.3 billion in 1997 to \$6.375 billion in fiscal year 2008. We have also worked to increase funding for CDC's breast and cervical cancer

early detection program to \$200.8 million in fiscal year 2008.

I have also supported programs at CDC which help children. CDC's childhood immunization program seeks to eliminate preventable diseases through immunization and to ensure that at least 90 percent of 2-year-olds are vaccinated. The CDC also continues to educate parents and caregivers on the importance of immunization for children under 2 years old. Along with my colleagues on the Appropriations Committee, I have helped ensure that funding for this important program together with the complementary Vaccines for Children Program has grown from \$914 million in 1999 to \$3.2 billion in fiscal year 2008.

While vaccines are critical for prevention we must be prepared for an influenza pandemic. To ensure that America is properly prepared for such a pandemic the LHHS Appropriations bills have provided \$6 billion since 2005. This funding provides development and purchase of vaccines, antivirals, necessary medical supplies, diagnostics, and other surveillance tools.

We have also strengthened funding for Community Health Centers, which provide immunizations, health advice, and health professions training. These centers, administered by the Health Resources and Services Administration, provide a critical primary care safety net to rural and medically underserved communities, as well as uninsured individuals, migrant workers, the homeless, residents of public housing, and Medicaid recipients. Funding for Community Health Centers has increased from \$1 billion in fiscal year 2000 to \$3.2 billion in fiscal year 2008.

Increases in research, education and treatment in women's health have been of particular importance to me. In 1998, I cosponsored the Women's Health Research and Prevention Amendments, which were signed into law later that year. This bill revised and extended certain programs with respect to women's health research and prevention activities at the National Institutes of Health and the Centers for Disease Control and Prevention.

In 1996, I also cosponsored an amendment to the fiscal year 1997 VA-HUD Appropriations bill, which required that health plans provide coverage for a minimum hospital stay for a mother and child following the birth of the child. This bill became law in 1996.

In 2005, I introduced the Gynecologic Cancer Education and Awareness Act to increase education of gynecological cancer so that women would be able to recognize cancer warning signs and seek treatment. This legislation became law in 2007.

I have also been a strong supporter of funding for AIDS research, education, and prevention programs.

During the 101st and 104th Congresses, I cosponsored the Ryan White CARE Reauthorization Act, which provided Federal funds to metropolitan areas and States to assist in health

care costs and support services for individuals and families affected by acquired immune deficiency syndrome, AIDS, or infection with the human immunodeficiency virus, HIV. Those bills became law in 1990 and 1996 respectively.

Funding for Ryan White AIDS programs has increased from \$757.4 million in 1996 to \$2.14 billion for fiscal year 2008. That includes \$794 million for the AIDS Drug Assistance Program, ADAP, to help low-income individuals afford life saving drugs. AIDS research at the NIH totaled \$742.4 million in 1989 and has increased to an estimated \$2.91 billion in fiscal year 2008.

Veterans provide an incredible service in defending our country, and providing them with quality health care is critical. During the 102d Congress, I cosponsored an amendment to the Veterans' Medical Programs Amendments of 1992, which included improvements to health and mental health care and other services to veterans by the Department of Veterans Affairs. This bill became law in 1992.

During the 106th Congress, I sponsored the Veterans Benefits and Health Care Improvement Act of 2000, which increased amounts of educational assistance for veterans under the Montgomery GI Bill and enhanced health programs. This bill became law in 2000.

I also sponsored the Department of Veterans Affairs Long-Term Care and Personnel Authorities Enhancement Act, which improved and enhanced the provision of health for veterans. This bill became law in 2003.

In the 108th Congress, I introduced the Veterans Health Care, Capital Asset and Business Improvement Act of 2003, which upon becoming law in December 2003 enhanced the provision of health care for veterans by improving authorities relating to the administration of personnel at the VA.

In June 2004, I introduced the Department of Veterans Affairs Health Care Personnel Enhancement Act, which simplified pay provisions for physicians and dentists and authorized alternate work schedules and pay scales for nurses to improve recruitment and retention of top talent. The bill was signed into law in December 2004.

To increase the portability of insurance, in 1996, I cosponsored the Health Coverage Availability and Affordability Act, which improved the portability and continuity of health insurance coverage in the group and individual markets, combated waste, fraud, and abuse in health insurance and health care delivery, promoted the use of medical savings accounts, improved access to long-term care services and coverage, and simplified the administration of health insurance. This bill became law in 1996.

Statistics show that 27 percent of Medicare expenditures occur during a person's last year of life and beyond the last year of life, a tremendous percentage of medical costs occur in the last month, in the last few weeks, in the last week, or in the last few days.

The issue of end of life treatment is such a sensitive subject and no one should decide for anybody else what that person should have by way of end-of-life medical care. What care ought to be available is a very personal decision. However, living wills give an individual an opportunity to make that judgment, to make a decision as to how much care he or she wanted near the end of his or her life and that is, to repeat, a matter highly personalized for the individual.

Individuals should have access to information about advanced directives. As part of a public education program, I included an amendment to the Medicare Prescription Drug and Modernization Act of 2003 which directed the Secretary of Health and Human Services to include in its annual "Medicare and You" handbook, a section that specifies information on advance directives and details on living wills and durable powers of attorney regarding a person's health care decisions.

As ranking member and chairman of the Labor, Health and Human Services, and Education Appropriations Subcommittee, I have worked to provide much-needed resources for hospitals, physicians, nurses, and other health care professionals.

An adequate number of health professionals, including doctors, nurses, dentists, psychologists, laboratory technicians, and chiropractors is critical to the provision of health care in the United States. I have worked to provide much needed funding for health professional training and recruitment programs. In fiscal year 2008, these vital programs received \$334 million. Nurse education and recruitment alone has been increased from \$58 million in fiscal year 1996 to \$149 million in fiscal year 2008.

Differences in reimbursement rates between rural and urban areas have led to significant problems in health professional retention. During the debate on the Balanced Budget Refinement Act, which passed as part of the fiscal year 2001 consolidated appropriations bill, I attempted to reclassify some northeastern hospitals in Pennsylvania to a Metropolitan Statistical Area with higher reimbursement rates. Due to the large volume of requests from other states, we were not able to accomplish these reclassifications for Pennsylvania. However, as part of the fiscal year 2004 Omnibus appropriations bill, I secured \$7 million for 20 northeastern Pennsylvania hospitals affected by area wage index shortfalls.

As part of the Medicare Prescription Drug and Medicare Improvement Act of 2003, which passed the Senate on November 25, 2003, a \$900 million program was established to provide a one-time appeal process for hospital wage index reclassification. Thirteen Pennsylvania hospitals were approved for funding through this program in Pennsylvania. This program has been extended on several occasions and has provided a total of \$164.1 million for Pennsylvania hospitals.

The National Institutes of Health—NIH—are the crown jewels of the Federal Government and have been responsible for enormous strides in combating the major ailments of our society including heart disease, cancer, and Alzheimer's and Parkinson's diseases. The NIH provides funding for biomedical research at our Nation's universities, hospitals, and research institutions. I led the effort to double funding for the NIH from 1998 through 2003. Since I became chairman in 1996, funding for the NIH has increased from \$12 billion in fiscal year 1996 to \$30.2 billion in the fiscal year 2009 Senate LHHS Appropriations bill.

Regrettably, Federal funding for NIH has steadily declined from the \$3.8 billion increase provided in 2003, when the 5-year doubling of NIH was completed, to only \$328 million in fiscal year 2008. The shortfall in the President's fiscal year 2009 budget due to inflationary costs alone is \$5.2 billion. To provide that \$5.2 billion in funding, I recently introduced with Senator HARKIN, the NIH Emergency Supplemental Appropriations Act. This supplemental funding would improve the current research decline, which is disrupting progress, not just for today, but for years to come.

In 1970, President Nixon declared war on cancer. Had that war been prosecuted with the same diligence as other wars, my former chief of staff, Carey Lackman, a beautiful young lady of 48, would not have died of breast cancer. One of my very best friends, a very distinguished Federal judge, Chief Judge Edward R. Becker, would not have died of prostate cancer. All of us know people who have been stricken by cancer, who have been incapacitated with Parkinson's or Alzheimer's, who have been victims of heart disease, or many other maladies.

The future of medical research must include embryonic stem cell research. I first learned about embryonic stem cell research in November 1998 and held the first congressional hearing in December of that year. Since that time I have held 19 more hearings on this important subject. Embryonic stem cells have the greatest promise in research because they have the ability to become any type of cell in the human body.

During the 109th Congress, the House companion bill to S. 471, the Stem Cell Research Enhancement Act, was passed by Congress but vetoed by President Bush. The vote to override the veto in the House failed. The legislation would expand the number of stem cell lines that are eligible for federally funded research, thereby accelerating scientific progress toward cures and treatments for a wide range of diseases and debilitating health conditions.

In the 110th Congress, S. 5, the Stem Cell Research Enhancement Act, of which I am a lead cosponsor and is identical to the 109th Congress legislation, was passed by Congress, but a vote to override the veto in the House again failed.

During the course of our stem cell hearings, we have learned that over 400,000 embryos are stored in fertility clinics around the country. If these frozen embryos were going to be used for in vitro fertilization, I would support that over research. In fact, I have provided \$3.9 million in fiscal year 2008 to create an embryo adoption awareness campaign. Most of these embryos will be discarded and I believe that instead of just throwing these embryos away, they hold the key to curing and treating diseases that cause suffering for millions of people.

The many research, training and education programs that are supported by the Federal Government all contribute to this Nation's efforts to provide the best prevention and treatment for all Americans. But without access to health care, these efforts will be lost. But with the plan outlined in the Health Americans Act, we can provide health care coverage for the 47 million uninsured Americans. This bipartisan bill is where the health insurance reform debate needs to begin—with a market based approach to reforming health insurance. The time has come for concerted action in this arena. I urge my colleagues to take action on this important issue.

#### FILLING THE TREE

Mr. SPECTER. Mr. President, as we near the end of the 110th Congress, it is my hope that when we return for the 111th Congress, that there will be more comity and more bipartisanship and more accomplishment than we have seen in this Congress and in prior Congresses. I have spoken at some length on the Senate floor about this subject. I am about to introduce a prepared written text, but the essence of my concern arises because of the practice of limiting the amendments which Senators may offer on the floor and the problems of confirming judges, especially in the last 2 years of a President's administration.

The great value of the Senate on the American political scene, which has earned this august body the title "the world's greatest legislative body," has been the right of any Senator at any time to offer virtually any amendment on any bill. That, plus unlimited debate, has made this Chamber a unique place among modern democracies, where great ideas can be stated, can be articulated, and can be debated, and where, with sufficient debate, sufficient analysis, and sufficient merit, they can attract great public attention. But that has been thwarted in recent years—the last 15 years specifically—by both Republican and Democratic majority leaders so that, as usual, when there is a problem with this institution, there is bipartisan blame.

Senator Mitchell, Senator Lott, Senator Frist, and Senator REID have all used this practice. The first three Senators used it on some nine occasions

each, as detailed in the written floor statement which I am about to introduce for the record. Senator REID has used it some 15 times. The practice has been that the majority leader, who is entitled as a matter of Senate practice to first recognition, takes the floor and offers amendments so that there is a process where no other Senator can offer an amendment. That is called filling the tree. That has resulted, then, in the followup on a cloture motion to cut off debate. Then it becomes a bipartisan wrangle, with one half of the aisle—Democrats—voting for cloture to cut off debate and Republicans, in a partisan context, voting against cloture. I have voted against cloture because as a matter of principle I do not think we ought to end the debate before we have had a debate or before Senators have had an opportunity to offer amendments. That has resulted, as I see it, in gridlock on the Senate floor, so the Senate has really become dysfunctional.

I contrast the kinds of work weeks we have had, with very few votes, to the management of the comprehensive immigration bill during the 109th Congress where we had some 227 amendments filed and some 27 votes, which is the way I think the Senate ought to operate.

Then, beyond the issue of filling the tree and stopping Senators from proceeding with the offering of amendments, we have had the problems of the filibuster. Again, there is bipartisan blame, blame on both sides of the equation.

Mr. President, in the last 15 years, the "World's Greatest Deliberative Body" has degenerated into a "do-nothing Senate" due to abusive procedural actions taken by both Republican and Democratic majority leaders. The Senate has been gridlocked and has become dysfunctional.

The uniqueness of the U.S. Senate has been that any Senator could offer any amendment on virtually any bill at any time. That opportunity, plus unlimited debate, made the Senate the place where great ideas could be presented to the American people and be debated extensively to provide the basis for legislative changes on public policy to govern the Nation.

That changed in 1993 when majority leaders started using their powers of first-recognition to offer a series of amendments called "filling the tree." This procedure precludes any other Senator from offering amendments to the legislation under consideration. Senator George Mitchell used this procedure nine times in the 103d Congress from 1993 to 1994, Senator Trent Lott used it nine times in the 106th Congress from 2000 to 2002, and Senator Bill Frist used it nine times in the 109th Congress from 2005 to 2006. Thus far in the 110th Congress during 2007–2008, Senator HARRY REID has used the tactic 16 times.

The legislation on global warming illustrates the unproductive nature of

this practice. On June 2, 2008, Senator REID called up the Warner-Lieberman bill. On June 3, 2008, I filed and discussed on the Senate floor a series of proposed amendments based on competing the Bingaman-Specter climate change bill. On June 4, 2008, Senator REID used his power as majority leader of getting first-recognition to offer eight amendments which filled the so-called tree thus precluding me or any other Senator from offering any amendments. Senator REID then filed a motion for "cloture" to cut off debate on June 4 to set the stage to vote on the bill without any amendments. It then became a partisan issue with Republicans opposing cloture and Democrats favoring it. I opposed cloture to cut off debate since there had been no debate and no opportunity to amend the bill. On June 6, cloture was not invoked.

Reciprocal finger pointing then began, with Democrats blaming Republicans for stymieing the legislation by filibustering and Republicans responding that the Democrats were responsible for killing the bill. This practice has been used 16 times during the 110th Congress, stopping the Senate from acting on bills such as FAA Reauthorization—H.R. 2881—Lieberman-Warner Climate Security—S. 3036—and the Energy Speculation Bill—S. 3268.

Sometimes, after the tree has been filled, there will be extensive negotiations among Senators to agree on a limited number of specified amendments that both sides are willing to vote on. In part, this is done to limit the time it will take to finish the bill. More often, it is done to eliminate the tough votes where Senators will have to take positions on controversial issues which could be used against them in future campaigns, including 30-second television spots.

As a result of these practices, Senate floor time has been filled with quorum calls where negotiations are in process to limit the number of votes which will be taken or to find ways to resolve the most contentious issues without votes. On many weeks, the Senate has had little floor debate and votes. For example, the following occurred: one vote, April 28–May 2; 3 weeks with two votes, January 22–25, January 28–February 1, and September 15–19; 1 week with three votes September 8–12; 1 week with four votes, June 9–13; 5 weeks with five votes, April 21–25; May 19–23; June 3–6; June 16–20; July 21–26; 2 weeks with six votes, April 14–18; March 3–7.

This inactivity is contrasted with Senate action on the comprehensive immigration reform bill which was debated from May 15 to May 25, 2006, with 227 amendments filed and 27 rollcall votes.

A far better procedural practice is to allow Senators to offer amendments under time agreements. These are agreed to by unanimous consent and allow Senators to have their amendments considered in an expeditious manner. Thus, the Senate can work its

will. The public then understands the issues involved and Senators are compelled to take positions by voting. That procedure is obviously totally undercut by the majority leader's filling the tree to abort traditional Senate practices.

To stop the practice of filling the tree and revert to traditional Senate debate and votes, I proposed S. Res. 83 on February 15, 2007, which would have stopped the majority leader from filling the tree. Notwithstanding repeated efforts to get this proposed rule change acted upon, nothing has been done.

Senate action has also been stymied by the use of the filibuster or other procedures to thwart the confirmation of Federal judges. These practices have been utilized by both Democrats and Republicans in the last 20 years. In the last 2 years of President Reagan's administration, 1987–1988, the Democrats failed to confirm 10 district court nominees and 7 circuit court nominees. In addition, the time required to confirm circuit court nominees increased from 195 days during President Carter's administration to 257 days during President Reagan's administration.

Similarly in the last 2 years in the administration of President George H.W. Bush, 1991–1992, the Democrats failed to confirm 10 circuit court nominees and 43 district court nominees. Further, the time required to confirm a circuit court nominee increased from 257 to 319 days during President Bush's administration.

The Republicans retaliated when Senator Lott was the majority leader by refusing to give hearings to President Clinton's nominees or by refusing to have the Senate vote on nominees after they reported out favorably by the Judiciary Committee. At the end of the 106th Congress, 1999–2000, the Senate returned 17 circuit court nominees and 24 district court nominees to the President, and the time required to confirm a circuit court nominee had increased from 319 to 439 days.

In the final 2 years of President Clinton's administration, a Republican Senate confirmed 15 circuit court judges and 57 district court judges. To date, the Democratic Senate has confirmed 10 of President Bush's circuit court nominees and 48 district court nominees. An additional 10 district court nominees may yet be confirmed. President Bush has nominated an additional 9 circuit court judges who have not been confirmed and he has nominated an additional 20 district court nominees who it appears will not be confirmed, assuming that 10 of pending district court nominations will be confirmed. In the 110th Congress, the time required to confirm a circuit court nominee increased from the 439 to 906 days.

The Senate was engaged in an especially bitter controversy from 2003–2005 when the Democrats engaged in 23 filibusters to stop the confirmation of 10 circuit court nominees: Miguel A. Estrada, Richard Griffin, Carolyn B.

Kuhl, David McKeague, Priscilla Richman Owen, Charles W. Pickering, Henry W. Saad, William H. Pryor, William G. Myers, and Janice Rogers Brown. At least four other nominees were blocked by the mere threat of filibuster: Terrence Boyle, William Haynes, Brett M. Kavanaugh, and Susan B. Neilson.

Republicans then threatened retaliation with the so-called nuclear or constitutional option. That plan would have called upon Vice President CHENEY to rule that 51 votes could invoke cloture. That ruling would then be appealed, and under Senate procedure, a majority of 51 votes would sustain the ruling of the chair. In that manner, it was contemplated that at least 51 votes could be obtained from the 55 Republican Senators.

On May 23, 2005, the eve of a vote set for the following day to invoke the nuclear or constitutional option, the so-called "Gang of 14"—7 Democrats and 7 Republicans—agreed to enter into a compromise to confirm Janice Rogers Brown, William Pryor, and Priscilla Owen, and to reject William Myers and Henry Saad, so there was never a determination as to whether Republicans had sufficient votes to invoke the nuclear/constitutional option.

With the 7 Democrats and the 7 Republicans in the "Gang of 14" breaking party lines, there would have been insufficient votes to maintain the filibusters or to invoke the nuclear/constitutional option. With 7 Democrats from the "Gang of 14" voting for cloture, there would have been 62 potential votes—55 Republicans and 7 Democrats—to invoke cloture. With 7 Republicans voting against the nuclear/constitutional option, there would have been a maximum of only 48 votes, 55 minus 7.

In order to break the filibuster impasse on the confirmation of Federal judges, I proposed S. Res. 327 on April 1, 2004 and S. Res. 469 on March 4, 2008. These resolutions provided for a 90-day timetable for fair consideration of all judicial nominees with the following benchmarks: within 30 days of the President submitting a judicial nomination, the Judiciary Committee would hold a hearing; within 30 days of the hearing, the committee would vote on the nomination; and within another 30 days, the Senate would hold an up-or-down vote on the nomination. I was willing to modify this timetable; but it would move the issue forward to some compromise timetable.

This rule change would not affect the existing rules that require 60 Senators to cut off debate on legislative matters. It would apply only to judicial confirmations.

The basis for the rule change was that public policy was better served by determining confirmation on professional qualification without engaging in the "cultural wars" to elevate ideology over professional judicial qualifications.

As a practical political matter, filibusters have not been used to block Su-

preme Court nominations, where there is substantial public visibility even though many Senators would like to have done so. The conventional wisdom was that in a high visibility situation like Supreme Court confirmations, many Senators would not support a filibuster unless a good reason could be publicly articulated to do so. With less visible circuit court nominees, that reluctance was absent.

For example, no filibuster was mounted against Justice Clarence Thomas even though there was substantial ideological opposition to his confirmation. Democrats did not have 60 votes to invoke cloture. Justice Thomas was ultimately confirmed 52-48. Similarly there was no effort to filibuster the nominations of Justice Ruth Bader Ginsberg or Justice Stephen Breyer even though there was substantial Republican ideological opposition. Justice Ginsburg was confirmed 96 to 3 and Justice Breyer was confirmed 87 to 9.

During the confirmation hearing of Justice Samuel Alito, the Democrats sought to gain traction about a filibuster trying to associate Justice Alito with the Concerned Alumni of Princeton, an organization which reputedly discriminated against women and minorities. The Democrats' effort failed to secure a subpoena for the Concerned Alumni of Princeton records and informal inquiries found no connection between that organization and Justice Alito. Thus, the effort to muster a filibuster sputtered and was not pursued.

During my travels through Pennsylvania during the August recess, I heard many complaints from my constituents at town meeting about partisanship in the U.S. Congress. The consistent comments were that people were sick and tired of partisan bickering. It is reflected in the public opinion polls which give the Congress very low ratings.

My proposed rule changes would have a profound effect on allowing the Senate to take care of the people's business by eliminating the gridlock and providing for up and down votes in the judicial nominating process based on professional competence and not ideology.

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

#### UNANIMOUS-CONSENT REQUEST— S. 1375

Mr. MENENDEZ. Mr. President, I rise today because there are far too many women in America suffering in silence from postpartum depression and it is time to let them know that they are not alone. It is time to lift the veil of shame and secrecy—this condition is not their fault and they can get help.

The Melanie Blocker Stokes MOTHERS Act would establish the first comprehensive legislation to assist new mothers suffering from postpartum depression and educate women about this

disabling condition that affects 800,000 women each year.

It would help provide support services to women suffering from postpartum depression and psychosis and would also help educate mothers and their families about these conditions.

In addition, it would support research into the causes, diagnoses and treatments for postpartum depression and psychosis.

It attacks postpartum depression on all fronts with education, support, and research so that new moms can feel supported and safe rather than scared and alone.

We know—doctors and psychologists know—that there are all too many mothers in need who are suffering in silence. All too many mothers are unaware of the condition and go without the treatment and support they so desperately need.

I introduced this bill because I was inspired by the story of Mrs. Mary Jo Codey—the former first lady of New Jersey—who publically shared her struggle with postpartum depression. It was her courage and strength that helped change New Jersey law—and now, hopefully, will help change our Nation's laws.

But postpartum depression affects women all over this country, not just in my home State, and that is why I was proud to introduce this legislation with Senator DURBIN and work with the support of Senator KENNEDY. I saw the companion legislation of Representative RUSH sail through the House—passing 382-3—and we were all set to pass this bill when one singular Senator signaled his objection, essentially blocked the bill, and the whole process ground to a halt.

One Senator's objections and American women are left without relief and support from a disabling and often undiagnosed condition affecting as many as one in five new mothers experiencing symptoms.

One Senator's objections, and American women are left without this strong program to make sure they no longer have to suffer in silence and feel alone when faced with this difficult condition.

One Senator's objections, and American women are left with few places to turn when they show signs of depression, lose interest in friends and family, feel overwhelming sadness or even have thoughts of harming the baby or themselves.

Many new mothers sacrifice anything and everything to provide feelings of security and safety to their newborn child. It is our duty to provide the same level of security, safety and support to new mothers in need.

We were on our way to taking those steps when a single Senator stepped in and blocked it from happening.

For the millions of American women who have suffered or soon will suffer from postpartum depression we need to pass this bill today.



I ask unanimous consent that the HELP Committee be discharged of S. 1375 and that the Senate immediately proceed to S. 1375; that all after the enacting clause be stricken and that an amendment at the desk consisting of the text of subtitle (d) of title I of S. 3297 be inserted in lieu thereof; that the amendment be considered and agreed to, the bill, as amended, be read a third time, passed, and the motions to reconsider be laid upon the table, with no intervening action or debate.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. CRAIG. Mr. President, I object.

The ACTING PRESIDENT pro tempore. Objection is heard.

Mr. MENENDEZ. Mr. President, I assume my distinguished colleague from Idaho is objecting on behalf of Senator COBURN, and I understand if that is the case.

I have a problem in that we have a process that has festered where one person suddenly believes that they are the guardian of what is good and what is not. I always get concerned when suddenly one person in an institution believes they can use the powers that are reserved largely for the purposes of ensuring that something they feel so passionate about or so strongly about and to protect the powers of the minority can be preserved, but then it get abused and hundreds of pieces of legislation get stopped by one Senator.

Now, I intend to continue to push this because I want mothers throughout this country to understand who is blocking their way from having the type of access and help that is necessary to be able to ensure that, in fact, they do not have to go through these depressions alone.

We have many stories across the landscape of the country of mothers who did not know they were having post partum depression, and the consequences were that they thought about hurting their children and hurting themselves. We can do far better.

When the House of Representatives passed this very same bill, and we changed it to accommodate our colleagues on the Republican side of the aisle in the HELP Committee, but passed it 382 to 3—382 to 3—the reality is, something is wrong when one Senator believes he or she can stop the progress on behalf of millions of women in this country.

I am going to come to the floor of the Senate time and time again. I want American women to know who is the impediment to the opportunity for them to get the help they need. I want mothers to know who is the impediment to get the help they need. I want families to know who is the impediment to get the help they need. I want husbands to know who is the impediment to have their spouses get the help they need, and that is one Senator—one Senator.

#### ORDER FOR RECESS

Mr. MENENDEZ. Mr. President, I ask unanimous consent that the Senate re-

cess subject to the call of the chair following the remarks of Senator CRAIG.

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

Mr. MENENDEZ. Mr. President, I had another statement, but I see Senator CRAIG is here. Even though I know he objected to my request on behalf of someone else, I am going to yield the floor and come back at a later time.

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

Mr. CRAIG. I thank my colleague for his generosity. I understand the time constraints he was under under his UC. I appreciate that a great deal.

I certainly object for this side because it had not been cleared, and following the standard procedures of this Senate, no Senator comes to the floor in the absence of others and makes the unanimous consent request expecting it to pass. So I was speaking on behalf of the Republican side where a Senator has not yet cleared this bill. It was not a reflection of my own attitude or concern over the issue.

#### HEALTH CARE

Mr. CRAIG. Mr. President, I have come to the Senate floor often over the last good number of years to speak about a variety of issues. In the last 4 or 5 years, I spoke of my concern over a lack of a national energy policy and the productivity of the great private sector in our country to produce energy for the American consumer and the inability of public policy or political figures to allow that to happen for all kinds of reasons, and obviously we have now experienced one of the greatest energy shocks in our country's economy. Yet we still stand still today, immobile in our ability to deal with it for a variety of reasons.

Today, I do not come to the floor to speak about energy. I am here today to speak about two health care issues that are important to our Nation: accessibility to health care services and health care for veterans.

As chairman of the Veterans' Affairs Committee, I had the opportunity to learn more about the phenomenal job the Department of Veterans Affairs does to provide health care to our Nation's veterans. VA runs facilities across the country that employ some of the finest doctors, nurses, and other health care professionals.

These are dedicated men and women who provide world class health care to our Nation's heroes. The VA is also a training ground for many of our Nation's health care professionals. According to the American Association of Medical Colleges, more than half—yes, that is right, more than half—of our Nation's physicians receive some part of their medical training in VA hospitals.

Over 28,000 residents and nearly 17,000 medical students rotate through the VA health care system each year.

Clearly, VA has become an invaluable piece of the health care system for all Americans.

At the same time, the VA is a separate health care system within our Nation and creates a certain disconnect. The focus of the VA has been on establishing a system that is dependent upon bricks and mortar and a fixed location.

In the vast majority of situations, veterans enrolled in the VA health care system must receive health care at VA facilities unless they want to pay for care through private insurance or out of their own pockets. This means that veterans who do not live near a VA facility have a more difficult time accessing VA care because of where they choose to live.

To address this, VA aims to build facilities in strategic locations to serve the greatest number of veterans. I am pleased that in the past few years VA increased the number of outpatient clinics in my State of Idaho. Unfortunately, these new clinics cannot completely resolve all of the issues or serve veterans in a total way.

I am sure all of my colleagues, and particularly those who represent rural States such as my home State of Idaho, have heard from veterans who wish they could utilize their VA health care benefits at a facility closer to their home. It is a significant barrier to care when a veteran has to drive for several hours to reach a VA facility.

An elderly veteran, possibly in his or her seventies or eighties, driving literally hundreds of miles to get to that VA facility, is in itself not only impractical, in many instances it is impossible for that veteran. We also need to consider health care access for the general population. It is no surprise that our Nation is facing a crisis when it comes to having an adequate supply of health care professionals.

According to a July 2007 report of the American Hospital Association, U.S. hospitals need approximately 116,000—that is right, 116,000—registered nurses to fill vacant positions. This is a national RN vacancy rate of about 8.1 percent.

Another study estimates that the shortage of RNs could reach 500,000 by 2025. I did the math on my age and determined that is about when I am going to start needing possibly more health care provided by health care professionals. At this moment, we are suggesting this will be the period of time when there will be potentially the greatest shortage.

An aging workforce, a shortage of slots in nursing schools, and an aging population that is living longer and therefore requiring more health care services are all contributing to this nursing shortage. This shortage in health care providers is not limited to nurses. In the 2006 report by the Health Resources and Services Administration, they project a shortfall of around 55,000 physicians by 2020. In addition, various studies have indicated current

or impending deficiencies in various specialties, including cardiology, rheumatology, and neurosurgery, as well as primary care.

I think most Americans understand the significance of this situation. We can build all of the medical facilities we want, but they serve no purpose if there are not enough medical professionals to work in these hospitals and clinics.

That is where the VA and other medical facilities, be they public, private or nonprofit, run into each other. They are all competing for a pool of health care professionals that is not growing, and that is not growing as quickly as it is needed. I am concerned that ultimately this will diminish the quality of health care that is delivered to our Nation's veterans and, of course, to all Americans.

So how do we address the health care needs of all Americans when faced with these challenges? I think we need to examine how we can integrate VA facilities with other health care facilities to better serve not only veterans but entire communities. Is there a way that we can utilize existing VA facilities to serve all of those living in rural communities that struggle to recruit health care professionals without compromising care for veterans? Is there a way we can change the VA health care system to enable veterans to receive care at their local non-VA health care providers?

I know these kinds of changes will not happen quickly and they will not happen easily. Earlier this session I introduced two pieces of legislation that proposed dramatic changes in the VA health care system. I will say that these proposals were not enthusiastically welcomed by many of those entrenched in the veteran advocacy community. S. 815, the Veterans Health Care Empowerment Act, would allow veterans with a service-connected disability to receive hospital or other medical care at any Medicare or TRICARE-eligible facility.

When I introduced this legislation last March, I stated my belief that most veterans would choose to continue to receive health care at a VA facility. I still believe that is true. But I also know this legislation would enhance access of care for veterans who do not live near a VA facility by serving them in the communities in which they live.

I also introduced legislation, S. 441, the State Veterans Home Modernization Act, which would allow, instead of building veterans homes, noninstitutional care and daycare and respite care for our veterans. I know my time is now limited, so let me close with this thought.

Earlier this year, a group of young Idaho Iraqi and Afghan vets came to my office concerned about health care. One of them pulled from his pocket a credit card and said: Senator, why cannot this become a VA health care card that allows me access to health care in

my community paid for by the Veterans' Administration because I have, upon my service and upon my disability, been granted access to the VA health care system? I live in rural Idaho. But why must I travel miles when there are hospitals and clinics all around me? I cannot have access to them.

What is wrong with that picture? What is wrong with that picture is that this wonderful, marvelous VA health care system is a static, in-place system that does not have the flexibility that modern health care speaks to and that it must have in the future.

I am retiring from the Senate, so these pieces of legislation will not be introduced again. But I am challenging my colleagues, as you stand and so proudly speak of your concern for veterans and your concern for their care, that you step away from the bricks and mortar and from the rigidity of the activist advocacy groups who think that health care for veterans can only be delivered in one form. Modernize it. Change it. Give it flexibility if we want to give ultimate health care to our veterans, and if we want to integrate non-veterans into that quality health care system in a way that strengthens it, improves it, and sustains it in an economical fashion.

I yield the floor.

#### RECESS SUBJECT TO THE CALL OF THE CHAIR

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate stands in recess subject to the call of the Chair.

There being no objection, the Senate, at 2:29 p.m., recessed subject to the call of the Chair and reassembled at 3:12 p.m. when called to order by the Presiding Officer (Mr. TESTER).

The PRESIDING OFFICER. The Republican leader is recognized.

#### MORNING BUSINESS

Mr. MCCONNELL. Mr. President, we are in morning business, right?

The PRESIDING OFFICER. We are in a period of morning business.

#### ECONOMIC STABILIZATION PLAN

Mr. MCCONNELL. Mr. President, Senator McCain has just announced he is willing to suspend his campaign, set politics aside, and sit down with all sides to come to a solution to the looming threat to our economy. That is really an outstanding idea. The threat to Americans and their homes, savings, and retirements is really not a partisan problem, and it will not be fixed with a partisan approach. Americans want to know that their home values and college funds and retirement accounts are safe; in other words, that the problems on Wall Street are not going to spread to Main Street. So I appreciate my colleague's proposal,

and I hope it will be given serious consideration.

My constituents are not calling and asking me to help their brokers. They are asking for help to protect their mortgages, their ability to grow their small businesses, their ability to send their kids to college. And they are worried about the security of their life savings. I am concerned that if we do nothing, their savings, their ability to buy a home or finance college, and their financial security are all at very serious risk.

These are not ordinary circumstances, and if this economic stabilization plan was nothing but a bailout for Wall Street bankers, I would not have anything to do with it.

The only reason to support this action is to save ordinary Americans from an economic disaster that they had absolutely no hand whatsoever in creating. And to say that I am more than a little mad at this situation—created largely by bad decisions of those in the subprime housing market—is an understatement.

But if we are to take action, then it needs to put Main Street ahead of Wall Street. This isn't about bailing out investment bankers; this is about keeping the U.S. economy from entering a downward spiral. To that end, any action we take must include the following: No. 1, limits on executive compensation; No. 2, debt reduction; No. 3, congressional oversight and transparency. And yes, of course, taxpayer protection.

With regard to executive compensation, if weak companies are seeking Government assistance, the taxpayers should expect no less than a firm limit on what kind of executive compensation might be possible for those involved in these distressed companies.

Debt reduction. Any proceeds that are earned from the Government buying these assets and then selling them in the marketplace must be used to reduce the national debt. These revenues must not be used to pay for unrelated and unnecessary pet projects.

Congressional oversight and transparency. Americans need to be able to see how their money is being used and that it is being managed wisely. We in Congress will watch where every dollar goes to ensure there is no waste and no funny business.

Taxpayer protection. Americans have a right to expect that there is no fraud or abuse. It is the taxpayer and the American economy we are protecting, and we must take steps to ensure they are protected first.

The American people who were not involved in creating this situation need to be protected from the mistakes of those who were. Main Street needs to be insulated from Wall Street. That is what this plan is meant to accomplish. But we must insist on the protections I have just enumerated.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. COBURN. 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. COBURN. Mr. President, I ask unanimous consent to be recognized for such time that I might consume in morning business.

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

#### CONGRESSIONAL OVERSIGHT

Mr. COBURN. Mr. President, I wish to spend a few minutes talking about a perspective that I think is lacking, and I hope we have an opportunity to gain. I was intrigued and interested as I listened to the senior Senator from New Hampshire explain to the American people what actually is going on in terms of our financial system. I don't believe there is anybody in the Congress, or anybody in the country, who is happy about where we are today: contemplating putting the Federal Government as the owner of a bunch of toxic assets that were accumulated on the basis of greed, poor policy, bad management, and bad regulation. I don't believe anybody is happy we are here. I don't believe the regulators are; I don't think Members of Congress are; I don't think people in this country are.

But from that, we can learn something. My worry is that we will not. I heard this morning the majority leader—and I have a great deal of respect for him—laying this all at the foot of President Bush. Presidents can do very little other than what we let them do. When we talk about the lack of oversight and regulation, the problem is, we were not watching the regulators, and our constitutional duty is that we should have been.

There is a lot of blame to go around—and it is not partisan—Republicans and Democrats, the executive branch, even the judicial branch in some of their rulings that created some stupid consequences to things that were never intended by Congress.

But what we ought to learn, and what I think is most important is, if you are an American right now and you are worried, you have a great reason to be worried. It is not about some impending financial crash. What you should be worried about is the Congress is not listening.

Let me explain what I mean.

We are going to finish at the end of this year with over \$10 trillion in debt. That is over \$33,000 for every man, woman, and child. We are about to pass some type of system to salvage credit liquidity in this country that is going to cost another \$2,000 to \$3,000 per man, woman, and child in this country.

We are going to have a continuing resolution that comes to this body this evening or maybe tomorrow morning that continues to do the wrong things

that got us into the mess in the first place.

The financial mess we are in is because confidence in the country and our response has been eroded. As I got on a plane to come back to Washington, I talked with a businessman from eastern Oklahoma who has a worldwide business. He talked about on August 20, he saw this tremendous worldwide drop in demand for his product. It didn't have anything to do with his product. It had everything to do with people now worried about if they should hang on to cash because the economics don't look good.

Whatever they do here, the No. 1 goal has to be reestablishing a confidence in this country that, yes, we can have an economy that works, we can rebuild faith in the financial institutions, and we can do that, best of all, by not repeating the mistakes we have made in the past.

To outline, the Defense appropriations bill has over \$10 billion in it for airplanes the Air Force doesn't want. Think about that. There is \$10 billion worth of airplanes in the Defense appropriations bill that is going to pass that they are going to have to buy that they neither want nor need. Why is that happening? Because we are putting local, parochial politics ahead of the best interests of the country.

We are going to buy some ships the Navy doesn't want. Same reason, different area of the country. But we are going to buy them because we are going to put a parochial benefit to a Member of Congress ahead of the best interests of the country.

There isn't a family out there who doesn't have to weekly or monthly make hard choices about how they spend their money. We, unfortunately, continue to make decisions on how we spend your children's money and your grandchildren's money on a parochial or political interest that benefits Members of Congress. That is what has to change.

If there is a lesson in what has happened to us in terms of the loss of confidence in the financial system in this country, all I have to say is Congress earned it. We created it. We expend 100 times more effort trying to create new programs and new ways of spending than we do managing the very Government you send us here to put under control.

I take the Constitution literally. It has a section in it called the enumerated powers. It is article II, section 8. It spells out exactly what the role of Congress is. If you look at how we got into this mess, every example of that goes back to the fact that Congress is violating what the Constitution says is our legitimate role, is doing something that is outside the legitimate role, and we rationalized it for the political benefits for either career politicians or party, one side of the aisle or the other. That is why Congress has a 9-percent approval rating, because we are more interested in us than we are the

best interests of the country. And it shows.

We have the financial debacle in front of us today to prove it. Imagine what would have happened had Congress been aggressive in its oversight. Imagine what would have happened after the failed attempt 4 years ago to try to put the controls of Fannie Mae and Freddie Mac that we had a monthly hearing outlining the worsening—worsening—condition so we could have avoided this situation. Instead of us doing that, we did what was easy. We took the easy road, the wide road. We didn't do what our oath calls us to do.

I think we are going to see some very different behavior when it comes to us approaching the financial package that we are going to put together that will enable an economic recovery in this country. I believe you are going to see people vote for bills they basically don't like because it is in the best interest of the country. My hope is that when we do that, it would not be a one-time happening; that we will, in fact, move back to the position to take a decision on how we vote on something and not do a finger to the wind on how it looks back home or how it looks for our political career but, in fact, look at the U.S. Constitution and say: Does it square with that, and does it match our oath to do what is in the best interest of the country? When we get through with this exercise, as far as this economic recovery, I think the country can once again maybe start to have confidence in Congress; that we will, in fact, address the issue; that we will vote against our political best interests, but we will vote in the best interests of the American people.

Senator GREGG has outlined very eloquently what is happening, what has happened, what the response has been thus far, and what needs to be done in the future. If you have not heard him speak to this, I would suggest my colleagues listen to him. You can get it, what he spoke about this morning, before lunch, an understanding of what is necessary to reestablish confidence. It is not a time for politicians to win, it is a time for the American people to win. The only way they win is when we put them first and us second.

Mr. GREGG. Will the Senator yield for a question?

Mr. COBURN. I will.

Mr. GREGG. Mr. President, I ask unanimous consent that at the conclusion of the time the Senator from Oklahoma has used, I be recognized for 10 minutes under morning business; and at the conclusion of my time, Senator ALEXANDER be recognized; and if a Democratic Member wishes to speak, that they be inserted in the proper order.

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

Mr. GREGG. Mr. President, I wish to congratulate the Senator from Oklahoma. He has made an extraordinarily statesmanlike presentation. This isn't about the politics of the day, it isn't

about theater or hyperbole. This is about how we maintain the integrity of the American financial system so we have the necessary tools to make Main Street solvent and prosperous so Americans don't lose their jobs, don't lose their savings, and we have economic activity that continues. He has stood and—in the face of what is some fairly intense criticism coming from pundits who don't have a vested interest in the issue, other than their desire to get ratings—made the very rational point that we need to do this, we need to take action, we need to step outside the bounds of politics, outside the bounds of theater, and we need to do it now; that delaying this only will lead to significant problems.

So, first, I wish to say I have unlimited praise for the position the Senator has taken, and he has not only done this in this Chamber but he has done it in meetings with membership, and it has had a huge impact on my colleagues because he is so highly regarded on the issue of fiscal policy especially. But I guess my question is: We have Senator MCCAIN basically suspending his campaign to come back and try to work on this, and Senator OBAMA has been very constructive. It is time to move forward in a bipartisan way. Doesn't the Senator from Oklahoma believe this has to be done in a bipartisan way and done in a very timely way; otherwise, we will lose the opportunity to settle this situation out, and we may see a disastrous event occurring which affects every American's pocketbook and their lifestyle, basically?

Mr. COBURN. First of all, I thank the Senator for his comments, and to answer him: What we saw on the market today, we saw a period of time when there was zero interest on a 2-month T-bill. What that is saying is people have lost interest on anything other than a government security, and they are willing to give the Government their money for that security with no interest. That is fear talking. What we have to do is drive out fear. We have to drive back confidence.

So I believe, Senator GREGG, that we will see a bipartisan vote in the Senate and the sooner the better. Because every day we are not fixing this, it is costing jobs, it is costing the ability to promote new jobs in our economy, and it is costing savings for those people who are no longer working but living off retirement. So I feel this body is going to stand and do the right thing.

I have been impressed with Senator SCHUMER, Senator JACK REED, whom I just saw. The questions he asked and the answers that were put forth by both Secretary Paulson and Chairman Bernanke yesterday, I thought, were right on the money. I don't think we are far apart. But even if we are not far apart, we have to be able to do what is right and we have to do it timely. We should not leave here. There should be no leaving and coming back until this is solved.

Our future depends on what we do and how fast we do it. That doesn't mean we should not do it right. It doesn't mean we shouldn't be thoughtful about what we do. But the degree and the magnitude of this problem is something I have never seen in my 60 years, and I doubt the Senator from New Hampshire has ever seen it. Very few people in the history of the world have ever seen the kind of risk this country is facing at this moment.

So it is important it have nothing to do with Republicans or Democrats; that it have nothing to do with the Presidential election; that it have nothing to do with anything except the best interest and the future of this country.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Well, Mr. President, I wish to continue the dialogue the Senator from Oklahoma has begun because I believe it is critical.

There are times when our Nation faces a crisis of incomprehensible threat—incomprehensible in terms of the size and the effect of it—and at those times we have united as a nation. This is a time when we have to do that. Most of those threats have been physical events, the most recent being Katrina and, obviously, 9/11, and the attack on Pearl Harbor. These were physical events that caused us as a nation to pull together and act in an extraordinary way and as a government to do the same. What we are facing is an event that will create a massive disruption of our economy and will have a huge impact on individuals. That is the point. People will be unable to get credit.

If you run a small mom-and-pop grocery store or a small business, and this month or this week you don't make enough money to meet payroll, you are not going to be able to borrow money to meet payroll, so people will not be paid. If you have a child in college and you want to borrow to keep them going in college, you are not going to be able to borrow that money. If you have a house you want to refinance or add on to, you probably would not be able to borrow to do that. The credit markets are locked down and will lock up if we don't take some action to try to relieve this pressure.

The important point is this action is not that expensive in the context of the overall threat. The number \$700 billion has been thrown around. That is a totally specious number. Yes, that is what will be borrowed, but it is not what it will cost us, because that money will be used to purchase assets, and those assets have value and the Government and the taxpayers will recover that value. The net effect of that borrowing and the assets purchased, when they are resold, could be zero, we could actually make money, or it may be \$100 billion, which is a lot of money, but it is certainly not \$700 billion.

So in the context of what the initial cost will be, it will hardly be anything

on the deficit in the next year. It may be significant on the debt but not on the deficit. The practical effect of that in the long run will be that it would not be anything on the debt because the money will be repaid through the selling of the assets that are purchased. Compare that cost to what happens if we do nothing—if we have a total destabilization of our financial houses, if banks start to fail, if Main Street contracts, if people are put out of work, if revenues drop dramatically. You are talking about lost revenues to the Federal Government of an inordinate amount. You are talking about programs which will have to be added to take care of people in dire straits of inordinate amounts. I can't imagine what the cost would be if we went through a dire recession or worse. But it would be huge—huge—and dramatically more, by factors of multiples, multiple events compared to what the cost is of trying to do something now.

The point is we have to do it quickly. This is understood, by the way, by a lot of people around here. It is understood, fortunately, by Senator MCCAIN, who has said he is going to suspend his campaign to come back and try to get this thing done. I believe it is understood by Senator OBAMA. I have been totally impressed with his very mature and appropriate response to this issue. I am hoping Senators MCCAIN and OBAMA can lead us, in a bipartisan way, to resolve this. I have also been impressed with the leadership on the other side of the aisle, especially the role taken on by Senator SCHUMER, who obviously understands this intuitively and substantively, being from New York. But also other Members on the other side of the aisle. I think Senator DODD, chairman of the Banking Committee has played a major role. Obviously, he was extremely critical, he and Senator SHELBY, in the initial effort with Fannie Mae and Freddie Mac. Their work was extraordinary.

So there is the core and the energy in the Senate to do something aggressively, in a bipartisan way, and to do it right. I think the point is we need to do it aggressively and do it right and do it now. We can't wait.

I see my colleague, Senator ALEXANDER, on the floor, and I know he has a number of thoughts on this, and so I yield to the Senator from Tennessee because he is a leader on this issue.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, I came to the floor to join with the Senator from New Hampshire in congratulating the Senator from Oklahoma for his statesman-like comments. And not just his comments on the floor because those of us who know Senator COBURN know that what he says in public he says in private and vice versa, and we respect his views on fiscal matters. What he said was that we in the Senate have a responsibility to make sure we do nothing to cause a crisis in confidence, or more of one.

I thank the Senator from New Hampshire for pointing out to us that when you say \$700 billion or a trillion dollars, you are not taking into account the real dollars—and I will not repeat his speech about the cost. In fact, I will ask, if I may, a question of the Senator from New Hampshire, and I will yield the floor for a moment.

We hear these numbers, a trillion dollars and \$700 billion.

May I ask the Senator from New Hampshire through the Chair, what would he guess the real cost of this economic recovery plan to be, this Secretary Paulson plan that we hear about, based on what he knows now? What does he suspect the real cost would be?

Mr. GREGG. Well, nobody actually knows, is the answer to that. But there are some pretty good parameters you can put it within. We know the Bear Stearns situation, which was \$29 billion by the Fed, is probably going to be a wash. We expect the AIG which again was the Federal Reserve action, not coming off our Treasury books, which was \$85 billion—is probably going to be a winner. In other words, they will get more money back than they are spending. Freddie Mac and Fannie Mae, where we put up \$200 billion, we essentially said we were willing to put up \$200 billion and give the Treasury Secretary that type of authority. We have only spent \$5 billion so far of that \$200 billion. That \$5 billion will net out, so the total cost of that \$5 billion is going to be less than \$5 billion, probably at the most maybe \$1 billion, maybe \$1.5 billion after you net out the assets.

So if you look at those parameters and look at the \$700 billion number, what we are going to be buying is assets. Think of it this way: We are going to go out and buy a lot of cars that have been a little damaged; some have been really damaged. The pricing we pay for those cars isn't going to be what the person paid for them when they bought them off the lot. It is going to be what those cars are valued as damaged. There may be a premium, but I don't think it will be much. Then we will take those cars and either repair them and resell them or we are going to resell them, when the economy improves, as damaged cars. People will want them because they are going to repair them.

In either event, we are going to get back a fair amount of the money we invested because we have a physical asset. It is called a mortgage-backed security, most likely, and we own it and we can resell it or we can wait until it matures at face value and get the money back, having bought it at less than face value.

I honestly believe, and my guess is—and everything is going to be a guess, but my guess is the cost of this event will be less—less—than the initial stimulus package which we passed around here, which was \$140 billion. That is a guess.

Mr. ALEXANDER. Mr. President, whatever the cost is, I do not want to

see the cost of what will happen if we don't take action in the next few days. After you have lived a while, and after you have seen a few things, you begin to make some decisions based not just on the heart or the mind but on the gut. This is a gut decision to me, with a little bit of experience thrown in.

When I was Governor of Tennessee in the mid-1980s, I had the misfortune of presiding over a situation where we had 40 or 50 banks that failed. I stayed up all night with Paul Volcker and watched the Federal Reserve pull its credit for one of the banks in Knoxville. And that set off a chain of events which, if it had been a national chain of events, we would have seen 1,000 or 2,000 bank failures. That is what we had to deal with.

That was a controlled, small event compared to what could happen if we do not take steps to avert a credit crisis in the United States. Last week, before Thursday night's events, I was at the Volkswagen headquarter's opening in Virginia. I spoke with the credit manager there for the part of the company that loans money to people who buy cars, and said to me that he and people similar to him, even companies that large, the largest European automobile maker, were finding it difficult to get dollars.

What if General Motors Acceptance Corporation or Ford or Volkswagen or Nissan Credit cannot go into the market to get some money? Then they cannot loan me money to buy a Nissan or a Ford or a Saturn. If I can't buy a car, then the new Volkswagen plant or the Nissan plant or the General Motors plant that we are so excited about, doesn't have any jobs.

I applaud Senator COBURN, I applaud Senator GREGG, and the Senator from New Mexico, and the Republican leader here. Inaction is not an option here. I can only speak for one Senator, but from what I have heard on the Republican side of the aisle, we understand the seriousness of this problem. From what I have heard on the Democratic side of the aisle, most Democrats understand the seriousness of this problem. We want to put our imprint on the proposal, but we want a result. In my view, we must have a result to avert a set of events that none of us would want to see.

For those watching the legislative process here in Washington, I want to make it clear to them that in my view, and I believe the sentiment of a great many Senators, is that we want and expect a result. We understand the seriousness of the problem.

Mr. MCCONNELL. Will the Senator yield for an observation?

Mr. ALEXANDER. Of course.

Mr. MCCONNELL. I was listening carefully to Senator GREGG and the Senator from Tennessee, Mr. ALEXANDER, and Senator COBURN and I see another of my colleagues here, Senator DOMENICI. Let me give a real-world example from my State, information just received. Here is what this particular company experienced today.

"We were informed"—I will leave out the name of the bank. "We were informed that an"—I will leave out the name of the county—"industrial revenue bond issued last year could not be resold this week in the market because of the freeze of the credit markets." Today. "These tax free bonds totaling \$10 million were issued last year on a variable interest rate basis, secured by a full irrevocable letter of credit from one of the nation's largest and most well capitalized banks."

No credit problem at all, but no lending—freeze credit. This crisis we are all talking about here is not about a bunch of people on Wall Street. It is about a bunch of people on Main Street, and whether we are going to act on a bipartisan basis to restore confidence, restore confidence in our country and to prevent what could be a major catastrophic event.

Mr. GREGG. Mr. President, if the Senator from Tennessee would allow me to express a question to our leader: The point the leader makes is absolutely valid, but it is not unique to Kentucky. We are hearing all over the country that municipal—communities are unable to roll over their municipal bonds or are getting close to that threat. We have heard about major corporations that have been unable to move cash into franchises last week because the banks did not have the wherewithal to move cash because of the threat and the pressure that was being put on their money market accounts, which they had to protect and defend.

As you say, this is not a Wall Street event. This is going to be a Main Street event. People are going to be put out of work, they are going to lose their jobs, there is going to be a huge disruption. The potential for economic disarray is unprecedented.

I think it is very appropriate that the Senator from Kentucky, as the leader, has pointed out a very real-world event here because this is real-world stuff. This is not theory.

Mr. ALEXANDER. Mr. President, I see the Democratic whip here and I am glad to have an opportunity to make this point while he is here, since those of us on this side are Republicans.

I applaud the reaction of Senator OBAMA to this economic crisis. It is a Presidential reaction. It is restrained. It leaves room for discussion and it recognizes the problem.

I applaud Senator MCCAIN's decision to involve himself, if he can, in a solution to the problem. That is the kind of leadership we should expect of both men, both of whom are Members of this body.

I can't emphasize enough how much I believe this situation cries out for measured but urgent reaction, in a bipartisan way, by the Senate. Because, as all the Senators have said, if it were Wall Street, we could leave them to pick themselves up. But we are talking about whether you can get a student loan, whether you can get a car loan,

whether you can get an auto loan, whether your money market account is safe, and whether you have any money on the block. That is the potential impact of what we are talking about and we need, within a few days, to take the kind of decisive action that builds confidence in our country.

I yield the floor.

Mr. DOMENICI. Mr. President, I wanted to indicate if the minority leader chose to speak I will yield now and wait my turn.

The PRESIDING OFFICER. The Republican leader is recognized.

Mr. MCCONNELL. In addition to Senator DOMENICI, we have the ranking member of the Joint Economic Committee, I see, standing in the back. If it is all right with the senior Senator from New Mexico, I suggest that Senator BROWNBACK go right ahead.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

Mr. BROWNBACK. I thank my colleagues and the Senator from Kentucky for giving me a couple of minutes. The reason I wanted to take that is we had Chairman Bernanke in front of the Joint Economic Committee this morning for a couple of hours. Chairman Bernanke is also not only a student but a scholar of the Great Depression. He has studied this a great deal. I got to ask a question of him, as several other people did as well: When he looks at this situation, what similarities or dissimilarities does he see?

He was very forthcoming with his comments this morning. He said of course our financial markets are far more complex now than they were during the period in the 1920s and the 1930s. But the same sort of systemic thing that grabbed hold and made that one of the key problems that made the Great Depression the length of time it was, was the credit markets froze up. Then they didn't respond and they didn't open up.

While the market is far more complex today and people in the 1920s and 1930s wouldn't recognize this financial market for what it is on its complexities and derivatives and other things, they would recognize the feature of market credit freezing. He was all but saying that right now we are in a negative growth month or two; it could well be the quarter we are in. If you do not unfreeze these credit markets at this point in time, you are going to go into a lengthier, deeper recession that is going to take place because the credit is what allows small business to get loans to grow and what allows people to get student loans to go to college. It is what lubricates and lets the system grow.

We are already in a weakened economy. You go ahead and constrict that credit and then don't put the mechanism in place to release and let that credit flow again, you are going to further jam down this economy and you are going to have a longer term, much more difficult situation.

This is a guy who is not just a student, he is a scholar on the Great De-

pression in this country and the depressions that have happened in other countries. I think we should listen to him.

In a real respect, we have—people may not agree with the situation on the war in Iraq, but we have General Petraeus, who was the general who led the turnaround, and General Odierno, who was there with them, and it was the A team that was there, and we put them on the field and they put forward a plan and the plan worked.

I think we have the A team on the field now in Secretary Paulson and Chairman Bernanke. I do not like the idea of what is being talked about, but what they are saying is, if you do not do this and you leave these credit markets locked up or stymied a great deal, you are going to push this recession, in an economy that is soft, into a longer, deeper recession. This is not the way any of us wants to go.

I do not know what the plan actually is that we need to pass. There are some changes I think we need to do in what is being proposed, changes that are very important for us to do. But the option of doing nothing is not an option. That has a huge number of problems for Main Street America in the time we are talking about here. I think we do not. The option is we have to act and we have to act right and we need to do so quickly so we do not have this further impacting people in a negative fashion.

I thank my colleagues for allowing me to share that with them.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, first I want to say how proud I am to see Senators on the floor, and others I have spoken to in meetings, speak up on this issue. I particularly commend the former chairman of the Budget Committee, Senator JUDD GREGG. Senator GREGG, I was chairman of the committee when the Resolution Trust Corporation—another one of these where a group of banks, called savings and loans, were going broke and the Federal Government had to step in. I recall having gone through what you are going through. What is the real value? How much is the real cost?

I do laud your statesmanship and your ability to tell it to us the way it is. I thank you for it. I recommend you make your expertise available to the Senate because this is not a Republican issue, this is an American issue. The facts as you know them are as important to Democrats as they are to us.

I commend you for that, and our leader, who made a forceful statement today that delays are not the order of the day, that something must be done.

I talk of this issue—I have spoken two times or three times for at least 10 minutes on the issue and never once in those speeches did I mention “Wall Street” or “bailout,” because I think it is neither. It has nothing to do with either of those. Wall Street is a location.

As far as a bailout, this has nothing to do with Wall Street. The credit market of the United States, that which makes money available day by day to the people of our country for any and everything—their car, the new car they bought, the house they added on to that they want to pay for—anything you want to think of that requires the exchange of money or the payment of something by a check, all of this requires liquidity. It requires that money move. When money is stopped, the whole thing stops.

The best that we have in America, the two men representing the executive branch, I think are as good as we could have. They are telling us they have a way to attack that problem and perhaps come out of it without having to spend all the money we put up, that we will let the Treasury Department use to try to buy these assets that are stopping up things and take them to the trust corporation and see what happens over time.

In the meantime, the money for Americans must be loosened. That is the whole issue. I am glad we are talking about it forthrightly and honestly and that each Senator who has spoken has spoken of the fact that we ought to get this done as soon as possible. Time is hurting Americans, and the longer we wait the more difficult it gets for us to get it done.

I also laud the two candidates for President. It is no use running for President of the United States if, when you get there, America has gone bankrupt or is in the middle of a recession so big that it approaches a depression.

From my vantage point, things are not going to get better until we do something rather extraordinary. Two experts have told us what that is. They have a plan. I don't have a plan. I hope other people don't have plans. I hope we build on the plan submitted to us.

With that, I will yield the floor. Once again, I thank Senators who have had the courage and the will to understand that this is a big American problem requiring big actors who are not worried about their reelection but worried about America's future.

I yield the floor.

The PRESIDING OFFICER. The assistant majority leader.

Mr. DURBIN. Mr. President, late last night, about 11:30 p.m., I received an e-mail on my BlackBerry from my fellow Senator from Illinois, Senator OBAMA. He said he needed to talk to me. I called him this morning, reached him at about 8 a.m. this morning, and we had a conversation. He said: I am going to call Senator MCCAIN and I am going to suggest to him that we both come out with a joint statement saying that Congress should respond as quickly as possible to deal with the economic challenges facing the United States and that we should find a solution which includes four basic principles: makes certain there is transparency there so we know there are conflicts of interest, that they will be dealt with;



Make certain you protect the taxpayers, give a helping hand to the homeowners facing foreclosure, and do something about the issue of executive compensation.

He said: I have said these publicly. Senator MCCAIN has said these publicly. I think it would be a healthy thing for the American political scene and the economy for us to depoliticize this situation, to take the partisan politics out of it, and to issue this joint statement. He asked me for my reaction, and I said I thought it was a good idea.

At 9 o'clock this morning, Senator OBAMA made that call to Senator MCCAIN, and Senator MCCAIN returned the call at 12:30, a few hours later. I think they have issued that statement, and it is a positive one. It puts in perspective the seriousness of the challenge we face and establishes core principles we should follow to try to resolve it.

Other things have happened since. There has been a suggestion by Senator MCCAIN that he is going to suspend his Presidential campaign and come back to Washington. He can make that decision if he chooses to, but I think the honest answer is, he will be bringing the Presidential campaign with him to Washington. I am not sure that is going to help create a positive bipartisan or nonpartisan atmosphere to solve the problem.

I think we understand what faces us here, the challenges we face. I think we also understand that it is best for us to meet in serious—maybe even behind doors—closed-door meetings, and come up with a plan that is bipartisan, that the administration agrees with and a majority in Congress will agree with on a bipartisan basis. I think we should go forward.

During the course of the last statement by several of my Republican colleagues, two of them came over to say to me: This really isn't political; we really think we need to work to find a solution. I couldn't agree more. We need to work to find a solution, and a good one.

Let's remember where we are. It hasn't been 72 hours since we have seen the administration's proposal giving the Secretary of the Treasury \$700 billion—more money than ever allocated in the history of our Republic—with virtually no strings attached. There are many of us who think we need to be more careful—we need to be decisive, but we need to be thoughtful as well. I heard Senator DODD, as chairman of the Banking Committee, say: Speed is important, but getting it right is more important. And I think he is correct. We need to stick with this, roll our sleeves up, and try to find an answer.

I will tell you, we do it in a very highly charged political atmosphere. I have spoken to my colleagues, Democrats and Republicans, whose e-mail and phone responses to the bailout proposal Secretary Paulson has brought forward are overwhelmingly negative.

It is a charged political atmosphere. Bringing a Presidential campaign into this atmosphere is not going to make it easier or more likely that it will come to a good ending.

I think we need to do this in a thoughtful, quiet, and sensible way. I think the joint statement by Senator OBAMA and Senator MCCAIN set the right tone, depoliticizing it at the Presidential level, and now we need to roll up our sleeves and go to work. Bringing all of the lights and cameras to Capitol Hill, bringing the Presidential campaign here is certainly not going to be the answer.

I also remember that we have one of the most important events before us this Friday night: the first Presidential campaign debate. I think these debates will be widely followed by Americans across the board, who will measure the major candidates and make their decisions. The American people are entitled to that, and we need to move forward to make certain those debates take place so that at the Presidential and Vice Presidential level voters can take their measure of the candidates.

But now we need to roll up our sleeves here as Members of Congress and the Senate and work to find this bipartisan answer. I hope we can do that, and I hope we follow the four principles which Senator MCCAIN and Senator OBAMA announced today.

#### ORDER FOR RECESS

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate recess at 4:45 p.m. today subject to the call of the Chair.

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

The Senator from Tennessee is recognized.

#### WORKING TOGETHER

Mr. CORKER. I would like to follow on with the assistant majority leader's comments and say that I agree that we need to gather to solve this problem. And I sense, from the administration and in 5 hours of banking hearings yesterday and phone conversations I have had throughout the evening last night and today, I sense a willingness to alter the plan in such a manner that accountability, that those kinds of things, oversight and other matters we want to address are addressed.

What I would say to the assistant majority leader and to others who want to see something happen is, let's work through the weekend. Let's not have some artificial deadline of leaving here Friday until we get it right.

I think there has to be a structure that comes together very soon that allows both the House and the Senate to be negotiating together. I think the worst that could come out would be for one body to send to another body a message and then that be the vote. The assistant majority leader and others who are in the leadership here, I hope

what you will do is bring us together as two bodies to try to solve this extraordinary problem together.

I have a lot of people in Tennessee who are very frustrated with what has happened on Wall Street. I understand that frustration. I realize there have been lots of excesses there that need to be punished and penalized, but the fact is that Wall Street is inextricably tied to Main Street.

I am also getting calls throughout the State of Tennessee from businesses, from people involved in small businesses, people who are involved in household issues, who are having very difficult issues with getting credit.

So what I would say is, look, I think all of us agree that something needs to occur. I think all of us agree that something drastic needs to occur in order to jolt this system. There is a lot of debate over what is the right and wrong thing to do, but I believe we as a body should be responsible. I believe we should come together as two bodies, with the leadership of both bodies working together to try to get this legislation right.

The hearings that are taking place today in the House have been most illuminating. The 5-hour session we had yesterday in Banking was most illuminating. Most of us have been able to spend time with Chairman Bernanke and Secretary Paulson to talk through this issue.

One of the responsibilities and privileges we have here in the Senate is that we have access to information most people throughout the country do not have access to. People ask us to make judgments, to use the wisdom we garner from talking to these people to try to do the right thing for our country, and I hope that sometime between now and Sunday we will come together, solve this problem, do so in a way that is prudent for our country, that protects our taxpayers but at the same time causes the financial system in our country to operate as it should.

I want to mention one other thing. If we do this correctly, which is what I have been trying to encourage—I know the President has done the same thing in hearings yesterday—if we do this correctly, the money, whatever money that is expended, is actually something that is an investment. These securities Secretary Paulson is talking about investing in have a market value. If they can set up a mechanism to buy these at proper value, the taxpayers will, in fact, have a return.

I believe that whatever we do is not going to be 100 percent correct. We will make mistakes. We will look back on whatever it is we pass in the next week or so and we will realize we had some issues that were not dealt with properly. But I do think it is incumbent upon us to work until this is done.

I think the markets are watching us. I think actually that while we might have taken another week or two to solve this problem, an artificial line has been drawn in the sand for this

weekend because the markets now expect us to do something. And I want to say to the assistant leader, to our minority leader, and to others who have been on the floor that I certainly stand ready and available to work with others, to work with people on both sides of the aisle and in both bodies to make sure we solve this problem, we solve it prudently, and we do so in a timeframe that allows our financial markets to get back to somewhat normal operations as soon as possible.

I yield the floor.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

#### TRIBUTE TO RETIRING SENATORS

Mr. SALAZAR. Mr. President, I wish to make a few comments about some of our departing colleagues who will not be joining us for the next session of Congress. They are great colleagues, people whom I have enjoyed working with in my 3½ years here in the Senate. They include Senator ALLARD from Colorado, Senator PETE DOMENICI from New Mexico, Senator JOHN WARNER from Virginia, Senator CHUCK HAGEL from Nebraska, and Senator LARRY CRAIG from Idaho.

A quick word first about my colleague and the senior Senator from Colorado, Mr. WAYNE ALLARD. He has served the State of Colorado with distinction. In the days before he came to the Senate, now almost 12 years ago, he also served the people of the State of Colorado in the general assembly. I had the opportunity then to watch him work on matters ranging from education to protecting-the-water issues in the State of Colorado. I know well that he has been a strong voice for the State of Colorado and know that his services here, including the services of his acting as a veterinarian for colleagues like Senator KENNEDY and his dogs, are something that will be missed. I have enjoyed very much the time I have spent working with him on matters of mutual and common interest to the State of Colorado. I wish him well.

PETE DOMENICI from New Mexico, the senior Senator from New Mexico, is one of the Senators here who comes from the same place my family came from many generations ago.

His constant reminding me of the beauty of the Land of Enchantment and his work on behalf of securing an energy future for America is second to none. We will be missing him also in terms of his major contributions to the Energy Committee. He also has done a lot with respect to a whole host of other issues, too many to mention, but

in particular I want to mention his work on the mental health parity initiative which would not have happened without his leadership. We were successful in getting mental health parity in legislation we passed in the Senate yesterday, and it was in large part because of his passion and willingness to work hard on a bipartisan basis to bring people together to help create that achievement.

I want to say a word about my very good friend, Senator JOHN WARNER of Virginia. I often call him Moses because, as we have debated on the floor of the Senate over the last several years on one of the major issues of our time, the issue of war and peace and how we create a framework for a more peaceful world for our generation and those to come, it has often been Senator WARNER we have gone to to get direction and counsel on how we might move forward. I had the opportunity of traveling with him to Iraq and Afghanistan and other places along with his very good friend, CARL LEVIN, chairman of the Armed Services Committee. The friendship between the two of them, between Senator LEVIN and Senator WARNER, is one that exemplifies the types of relationships that are important for this Chamber and for the good of America. I will miss my good friend, Senator JOHN WARNER, the man I call Moses, because of his willingness to try to bring people together to try to resolve major and difficult issues that face us in America.

Senator CHUCK HAGEL from Nebraska has likewise been one of those voices of independence, putting public purpose above partisanship and being a great example for all of us in doing so. He has some deep connections in Colorado, including his sister Claire who lives in Colorado, and his family whom I have met over time. Even though he teases me occasionally on the battleground between Nebraska and Colorado with respect to the Nebraska Cornhuskers and the University of Colorado Buffaloes, he has done a remarkable service in the Senate as a great Senator and someone whom I will sorely miss.

Finally, Senator LARRY CRAIG from Idaho has been a champion for agriculture and rural issues and for western values. When, yesterday, we were able to pass the payment in lieu of taxes, secure rural schools act, on which Senator WYDEN and others had worked so hard, it was Senator CRAIG who helped make sure at the beginning that payment in lieu of taxes, which is so important to the Presiding Officer's State and my State of Colorado, were, in fact, on the radar screen of Washington, DC. Sometimes those issues that are unique to the western part of the United States are not heard in the Halls in this Capitol. Senator CRAIG was an unrelenting advocate for making sure those western issues were, in fact, not forgotten by those of us who are here who have an ability to cast a vote.

I will miss my five colleagues. All of them are Republicans who are depart-

ing. Many of them brought a true spirit of bipartisanship and working together, which is worthy of the emulation of many Members of the Senate who will serve in this Chamber in the next Congress and in many Congresses to come.

I yield the floor.

The PRESIDING OFFICER. The Senator from Hawaii is recognized.

#### UNANIMOUS-CONSENT REQUEST— S. 1315

Mr. AKAKA. Mr. President, I ask unanimous consent that the Chair lay before the Senate a message from the House on S. 1315, the Veterans Benefits Enhancement Act; that the Senate disagree with the House amendment, request a conference with the House on the disagreeing votes of the two Houses, and the Chair be authorized to appoint conferees on the part of the Senate.

The PRESIDING OFFICER. Is there objection?

The Senator from North Carolina.

Mr. BURR. Reserving the right to object, I ask my distinguished friend, the chairman, a question. It is my understanding that included in the fiscal year 2009 VA appropriations conference agreement is language denying the use of appropriated dollars putting into effect a repeal of the Hartness v. Nicholson decision. That is an agreement that has already been made.

As the chairman knows, this is the offset that is used in S. 1315 in order to fund all the entitlement spending in the bill for Filipino veterans. My question to him is, what is the point in us going to conference on a bill if the only available offsets have been pulled off the table from the standpoint of us using them in S. 1315?

Mr. AKAKA. As my friend and colleague knows, the appropriations measure is not yet law. And even if it were, there are various options available to the Veterans' Affairs Committee. So I urge my colleague to join me in seeking a conference on S. 1315. Together we can decide how our committee and the authorizing committee in the House can deal with the concern about the Hartness case.

Mr. BURR. Continuing my reservation of objection, it seems to me that any conference wouldn't move because it would not meet pay-go. The pay-go compliance doesn't exist. It doesn't make sense to proceed to a conference. The chairman and I had a lengthy debate as it related to this benefit. It disturbs me that we are on the floor of the Senate once again talking about the benefit at a time when we are talking about a financial crisis. It is also my understanding that the House continuing resolution will have \$200 million that goes to the benefits of Filipino veterans with money that has been pulled from somewhere yet unknown.

So with all the respect that I have for the chairman, I object at this time

to moving to conference for the simple reason that this issue will be resolved a different way, but, more importantly, pertinent to S. 1315 the mechanism is already in place that takes away the funds that are used to fund this expansion in S. 1315.

The PRESIDING OFFICER. Objection is heard.

The Senator from Hawaii.

Mr. AKAKA. Mr. President, I am disappointed and somewhat surprised that objection has been made on this motion. I must tell my colleagues that I have deep respect for my friend and colleague and my ranking member. I respectfully say that this objection is one that disappoints me, but it has been made to this motion. The intent of the motion is to create a mechanism by which there might be further action on this very important veterans legislation before the Congress goes into recess.

Last week, when I sought a UC with reference to this legislation, I did so by seeking to utilize an unrelated House bill as a vehicle to create a conference. In objecting to that approach, the Senator from Idaho said my approach was a tactic he hoped we would not use to address this important issue. He objected. While I did not agree that this tactic was inappropriate, given the lack of action in the House on S. 1315 at the time, I recognized the merits of the Senator's position.

Now, however, the motion is to use the same bill, S. 1315, as passed by both Houses. That is, in fact, the normal process, the regular order for resolving differences between the Houses. I addressed the Senator's concerns and am disappointed to see his Republican colleague objecting. I wish to remind my colleagues this bill passed the Senate by a vote of 96 to 1. Surely there must be some willingness to stand by the Senate position, to validate the Senate's action.

As I noted last week, this bill would improve benefits and services for veterans, both young and old. There are many provisions that address a broad range of veterans benefits. This bill deserves to be resolved and brought to a final vote. I realize there is some opposition to the provision which allows this legislation to meet pay-go requirements through the legislative reversal of a case known as Hartness.

According to the one veterans organization that has expressed its opposition, the concern is not over the merits of the court decision. They simply oppose this effort to correct a mistake. The court's decision resulted in veterans receiving an extra pension benefit based solely on their age. This is not what Congress intended. I have not seen any analysis of the legislative history that supports that result.

The purpose of the provision in S. 1315 is simply to restore the law to what it was supposed to be. Those who have characterized it as an attempt to withdraw benefits from deserving veterans and grant them to undeserving

veterans are simply not fairly describing the legislation. The Hartness decision is wrong and should be overturned. How the savings of that action are treated is a fair subject for debate, and I believe we should have that discussion in the context of a conference between the two Veterans' Affairs Committees. I again ask, as I did last week, that the Senator, or Senators, who object to this request to set up a conference with the House advise me of the concerns and see if it might be possible to find a way forward. I am very committed to this legislation and would like to see if we can reach final action before we recess. If we are not able to do so, I intend to renew my efforts in the next Congress.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. BURR. Mr. President, I thank my friend, the chairman of the Veterans' Affairs Committee. Let me add for purposes of my colleagues that all the benefits incorporated in S. 1315 that do not have mandatory spending implications have been negotiated between the House and the Senate and are part of another benefits package that I hope will move through the Congress. If there were a conference on S. 1315, the conference would be about only mandatory spending provisions, including mandatory spending for Filipino veterans. The chairman and I have debated this in public, and we are on two different ends. We have done that with civility and I have tried to do it and he has tried to do it with passion and with facts.

At the end of the day, I will lose. There will be a special pension that is created out of the continuing resolution. It will be funded with money that is pulled out of the sky, which we do regularly in Washington.

The House has spoken about the Hartness decision and the fact that they did not want to use that money. I think my chairman will get the benefit he is looking for in the continuing resolution. But for the purposes of those things that affect our veterans that do not require an offset, we did not wait to see the outcome of this bill. We have sat down and negotiated with the House Veterans' Affairs Committee, Republican and Democrat. We have put those additional benefits for our veterans into a benefits package that I feel certain will pass by unanimous consent.

So there is still a disagreement the chairman and I have relative to this new special pension. But at the end of the day, there will be one, assuming there is a continuing resolution, that is passed. It will not be funded out of the Hartness, which is the preference of the House. As a matter of fact, it will not be funded at all. We will pull it out of where we typically pull money, and that is the pockets of future generations of American people.

I thank the Presiding Officer and yield the floor.

RECESS SUBJECT TO THE CALL OF THE CHAIR

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until the call of the Chair.

Thereupon, the Senate, at 4:45 p.m., recessed subject to the call of the Chair and reassembled at 8:48 p.m. when called to order by the Presiding Officer (Ms. CANTWELL).

#### HONORING RALPH ROSE

Mr. McCONNELL. Madam President, I would like to take a moment to recognize one of our Nation's heroes from World War II. I am proud to say that he is a resident of my home State of Kentucky. His name is Ralph Rose. Mr. Rose is being honored in a Veterans Day ceremony in Hardinsburg, KY, this November for his heroic action in defense of our Nation and for his continued service to veterans in the local community.

Mr. Rose was born in Mystic, KY, in 1922. He entered the U.S. military at age 20. During his time in the Armed Forces, Mr. Rose served in General Patton's Army and fought the Germans in France. But on a fateful night, Mr. Rose and several of his fellow soldiers were captured by Axis forces. He was held as a prisoner of war for more than 8 months until the Allies occupied Munich.

Mr. Rose suffered unimaginable hardships at the hands of the enemy, but by all accounts, he does not dwell on them. In fact, he has said that if given the choice to serve in the Army again—even knowing what he would have to endure as a prisoner of war—he would have done the same thing.

As a true testament to his dedication to the Armed Forces, Mr. Rose continues to serve his country by helping and inspiring other veterans in the Commonwealth.

There is a special flag that honors our American heroes like Mr. Rose. It is called the Prisoner of War/Missing in Action flag, and it has a simple statement at the bottom: "You are not forgotten." Just as surely as that flag sits outside my office each day, I can guarantee you that those whose lives have been touched by Mr. Rose will never forget the sacrifices he made to keep our Nation free and prosperous.

#### HONORING THE 3RD BATTALION, 320TH FIELD ARTILLERY REGIMENT

Mr. McCONNELL. Madam President, I would like to take a brief moment to recognize the men and women of the 3rd Battalion, 320th Field Artillery Regiment and its subordinate units. The battalion has been assigned to Fort Campbell since 1986. Since then, it has been deployed in support of various military operations around the world—including its current mission in support of the global war on terror.

In November, the members of the 3rd Battalion, 320th Field Artillery will return home to Fort Campbell, to their

eager families and to a grateful Nation after 15 long months in Iraq. During their deployment, these brave Americans fought our enemies in one of the most dangerous sectors of southern Baghdad. They also spent months training their Iraqi Army counterparts so that one day Iraq may be able to enjoy the same security we have here at home.

Freedom is something many of us take for granted. Not so for the members of the 3rd Battalion, 320th Field Artillery, who have defended freedom by enduring great hardship. The same is true of their families, who have also sacrificed for freedom with sleepless nights and fear for the safety of their loved ones. As Americans, we are forever indebted to those in the military community who have given so much to protect our liberty and our way of life. I ask my colleagues to join me in thanking the men and women of the 3rd Battalion, 320th Field Artillery for their heroic service and in welcoming them back home.

I also ask unanimous consent to have the names of these brave Americans printed in the RECORD.

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

Sgt Shane Michael Adams; 1Lt Nicholas Lawrence Albright; Sfc Bradley William Amstutz; Sfc Michael David Andrews; Sfc Harold Gene Barnes III; Sfc Robert Carlton Beardsley; Ssg Philip John Belmont; Sgt David Frank Benoit, Jr.; Sfc Shaun Edward Benoit; Maj Carl Lawrence Bergmann; Pfc Joshua Keith Brakefield; Sgt Robert James Bronson; Sgt James Deon Brown; Ssg Marco Maurice Brown; Cpl Jeremy Thomas Burch; Sfc Steven Henry Burtis; Cpt Jose F. Cepedaramos; Sfc Donald Ross Chambers, Jr.; Ssg Jervey Ismail Chisholm, Jr.; Sgt Christian Clermont.

Sgt William Russell Cox III; Pfc Alex Bryan Craig; Sgt Carlos Rosheen Davis; Spc Omar Balero de Soto; Sfc Jose Angel DeLeon; Pfc Seth Francis Duke; Spc Christopher James Dunn; Ssg Rafael A. Echevarriacosme; Sfc Jerald Keith Ernest; Sgt Matthew Jude Falanga; Pfc Christian Lee Feist; Sgt Gary Albert Ferrell; Pfc Joshua Ray Flenoid; Spc Jose Francisco Fonseca; Spc Donavon Taylor Fox; Sgt Peterson Marshall Gangwer; Spc Maurice Jerome Gilliard; Sgt Erik Omar Gomez; Pfc Jesus Leopoldo Gonzalezcorella; Sfc Jeffrey Lee Goulet.

Spc Travis Martin Greene; Spc Jarod Wayne Grimes; Msg Richard Eric Harbor; Pv2 Joshua Evan Hardy; Sgt Michael Ray Hawk; Pfc Jeffery Daniel Haynes; Spc Germaine Adam Haywood; Spc Colton Lee Helps; Sgt Donald August Henggeler; Sgt Andrew Joseph Hershey; Sgt Jonathan Paul Hess; Sfc Zackery Deleve Hicks; Sgt Steve Joel Holiskey, Jr.; Cpt Michael J. Horne; Cpt David Arthur Howald; Ssg Daniel Howell Howard; Sgt Brandon Tyrone Howell; Spc Jeremy Isaac; Sfc Michael Dale Jenkins; Sgt John Robert Logan Jones.

Pfc Rajan Karki; Sgt Michael Benjamin Kaufman; Ssg Brent Alan Keeton; Maj Richard Robert Kelling; Pv2 Louis Eugene Kohler; Cpt Jeffrey S. Kudary; Spc James Joseph Larocco; Sgt Jun Wai Lee; Spc Michael David Lee; Sgt Kwisi Wayne Lewis; Spc Isaias Lopez; Cw2 Bennett Fielding Love, Jr.; Sgt Jonathan Machado; Sgt Brandon Lawrence Maybush; Pfc Michael Patrick McNamee; Ssg Adam Terrell Mealar; Spc

Samuel Elijah Miles, Jr.; Ssg Michael Brendan Moriarty; Pfc Clayne Conally Moss; Cpt Brian Everett Murphy.

Cpt Benjamin Eric Neusse; Pfc Michael Edward Oberkrom; Pfc David Eduardo Parra; Pfc Nicholas Andrew Partida; Sgt Jesse Robert Patterson; Sgt Nathaniel Norman Patterson; Ssg Christopher Lee Pelfrey; Spc Reginald Lamarc Pendergrass; Pv2 John Michael Phillips; Sgt Kurt Glenn Pittman; Spc John Albert Pollock, Jr.; Sgt Jonathan Thomas Porter; Cpt Christopher Michae Prevet; Ssg Tony Van Quach; Cpt Rimas A. Radzius; Sfc Scott Anthony Ramsdell; Sfc Franklyn Roy Richards; Pfc Maxwell Adam David Rockwell; Ssg Jorge Luis Rodriguezramirez; Sgt Alexander Dustin Rudasi.

Cpt Brandon Douglas Rumbelow; Ssg Brandon Michael Sanders; Spc Daniel Laron Saunders; Ssg Gregory Nichola Scarborough; Cpt Dwight Robert Smithbarrow; Ssg John Mark Springer; Pfc Alexander Phillip Stewart; Spc Leo Franklin Stewart; Pfc Steven Andrew Stillwell; Sfc Patrick Byron Stivers; Sgt Craig Michael Storkamp; Pfc Zachary Allen Suarez; Spc Chee Fong Tam; Spc Jeffery Lewis Tanner; 1Lt Daniel H. Tenhagen; Sfc Bryan Lee Thomas; Cpt Benjamin Lawrence Torpy; Pfc Matthew Nicholas Tracy; 1Sg Edward John Tushar, Jr.; Ssg David Garth Vankuren.

Sgt Ranfly Vazquez; Pfc Steven Michael Vazquez; Sgt Rogelio Velazquez, Jr.; Msg Steven Robert Veteto; Spc Catarino Alexand Villanueva; Sgt Matthew Alan Wacholtz; Spc Kevin Dwayne Walker; Csm Mike Wayne Watkins; Spc Frank Epine Wilson; Pfc Joseph Lee Wright; Ltc William Hill Zemp; Sgt Enrique Zuniga, Jr.; Spc Nathaniel Jay Badders; Pfc Daniel Brian Bates; Sgt Joseph Dowling Beck; Sgt James Aldo Benozich; Sgt Erwin Eduardo Beroncal; Ssg Nathaniel Jamal Blizzard; Sfc Robert Patrick Brady; Spc Daniel Parker Brooks.

Sgt Rickey Donele Bynum, Jr.; Sgt Marco Antonio Canaza; Sgt Mario Rafa Castillomartinez; Pfc Mark Alan Crisler; Sgt Rodney Lee Crisp; Spc Robert Allen Davis; Cpt Michael Thomas Denison; Sgt Daniel Garcia; Pfc Adrian Mathew Gonzalez; 1Lt Bronson J. Hayes; Spc Ryan Francis Matthew Hill; Pfc Tony Lee Hinkle; Sfc Kenneth Ray Hipes; Spc Matthew Stewart Hirschman; Spc Ronald Joseph Holland; Spc Brentoin Andrew Huhn; Sfc James Edward Jorgensen; Cpt Robert Shane King; Sgt Stephen Jarod Laeger; Spc Timothy Lee Lancello.

Spc Hector Manuel Lugo; Ssg James Eugene Lutz; Sgt Ian Stanley Neil MacNeil; Sgt Tommy Glen McElwrath, Jr.; Spc Nicholas Miller; Spc Ismael Dejesus Pagan; Pfc Cody James Payovitch; Spc Daniel Leon Petterson; Spc Adam Charles Planner; Spc Michael Christophera Pruitt; Spc Darryell Wayne Rash; Sgt Jason Scott Reese; Ssg Philip Lee Schoenauer; Spc Gerald Alan Smith; Ssg Aaron David Snyder; Ssg Charles Derrick Spires; Sgt John Matthew Taylor; Spc Randall James Thompson; Sgt Joel Lucas Trainor; Sfc Jorge Leonardo Vera.

Ssg Robert Prentice Waller; Sgt Martin Fallon Young; Pfc Jeremy Seth Ables; Sgt Jacob Brandon Keith Abrams; Sgt Christopher Michael Ardley; Sgt Christopher Lee Armstrong; Ssg Ernest Alexander Arocha; Spc Christopher Otto Bacon; Spc Joel Christopher Baker; Spc Joseph Jacob Balbach; Sgt Randy Lane Barber; Ssg Tony Patrick Barefield, Jr.; Pfc James Dixon Barton II; 2Lt Robert G. Becotte; Pfc John Jeremiah Bettis; 1Lt David K. Bhatta; Sgt Michael Alan Blackert; Spc John Bartholomew Bonney; Sfc James Gregory Brantley; Spc Brandon Keith Brown.

Sgt Marcus Cyrus Burnette; Pfc Joseph Anthony Castro; Sgt Jeremy Daniel Chism; Sgt Aaron Len Churchwell; Spc Michael James Crill; Sgt Patrick O'Brien Cummings;

Sfc Ronald Leon Davis; Ssg Shawn Charles Denehy; Pfc William Timothy Downey; Sgt Daniel Terrence Dyer; Pfc Daniel Joseph Feldewerth II; 1Lt James H. Flaherty; Spc James Jerome Ford; Ssg Sean Edward Gallagher; Sgt Matthew Paul Garrison; Spc Christopher Thomas Gidley; Cpt Thomas Allen Goettke; Sgt Leonardo Salvador Gonzales; Pfc Rodney Glenn Harsh II; Sgt Jeffrey Lyn Jarchow.

Pfc Richard Ellis Kirkland; Spc Nathan Daniel Krueger; Sgt Joseph Eugene Lambert; Sfc Robert Paul Lee; Pfc Eric Ernesto Lopez; 1Sg Randal Morris Lovelace; Spc Lucas Richard Loxley; Sgt Danny Lee Lujan; Spc Bakar Malek; Cpt Masood Manasia; Sgt Gonzalo Manriquez, Jr.; Spc Christopher Ray Mayes; Ssg William Keith McCabe, Jr.; Sgt Joseph Karl McRorie; Pfc Albert Mendoza; Spc Trevor Eugene Michling; Spc Steven Robert Miller; Sgt Abel Montelongo; Ssg Douglas Fernando Morales; Sgt Shawn Gregory Moyer.

Spc Caleb Crawford Murphy; Pfc Cory Jason Muzzy; Spc Jason Scott Nance; Spc Enrique Naranjo Navarro; Ssg Jonathan Patrick O'Dell; Spc Kenneth Wayne Parker; Sfc Stephen Eugene Peacock; Spc Charles Aaron Pennington; Cpt Evan T. Perperis; Spc Devon J. Perry; Ssg Jeffery Edward Petsch; Spc Kevin Thomas Polen; Ssg Mario Ray Rauch; Spc Guy Anthony Reeve, Jr.; Sgt Llyas Tamir Ross; Sgt Travis James Ruble; Ssg Jeremy Craig Rutledge; Ssg Eric Sanders; Ssg Michael Shawn Sculley; Spc Keun Hoo Seo.

Pfc Scott Allen Sheehan; Sgt Albert Joshua Shy; Ssg Justin Thomas Silvers; Pfc Christopher Ray Simmons; Spc Brian Spisso, Jr.; Spc Cody Dewayen Terry; Spc Tuan Q. Thai; Spc Duong Thien Tran; Sgt Forrest Vaughn Chad Uribe; Spc Gregory Scott Vogel; Spc John Charles Vogt; Pfc Khristopher Matthew Wallace; Spc Pierce Allen Wickens; Sgt Garrett Michael Williams; Ssg Justin Thomas Wise; Cpt Dennis James Call II; Spc Andres Alberto Enriquez; Pfc David Lee Harrell; 1Lt Jason Allen Potter; Pfc John Robert Ainsworth.

Sgt Gary Don Alexander; Ssg Shawn Michael Arthur; Ssg Issac Dywayne Barnes; Pfc Dorian Antonio Barraza; Ssg Craig Allen Basso; 1Lt Ronald Andrew Bates; Pfc Derek Lee Billmire; Sgt Jason Paul Bones; Pfc Anthony M. Buntion; Spc Valentin Angel Bustos; Sfc Keith Calloway; Sgt Joe Carlton; Sfc Clarence Ernest Carson, III; Pv1 Jeffrey David Case; Sgt Carlos Rafael Castaner; Pfc Gregorio Contrerasrodriguez; Pfc Michael David Councilman; Pv2 Matthew K. Covert; Spc Dakota Carrington Crider; Ssg Anthony Derell Crutch.

Pv1 Stephen Eric Davidson; Spc Bradley Wayne Davis; Ssg Joshua Gary Dillard; Sgt Clinton Eric Douglas; Pfc Charley Eugene Etchieson, III; Cpt Michael E. Fisher; Sfc Amara Fofana; Spc Ian Allen Gallagher;

Spc Manuel Antonio Gamero, Jr.; Sgt Melville Vaughn Gibbs; Sfc Vincent Gines; Sgt Philip Henry Goldsberry; Cpt Manuel Gonzalez; Sgt William Norris Hamby; Sgt Bobby Ray Harrington, Jr.; Cpt Edward Nazario Harrison; Spc Raythan Darnell Henderson; Sgt Jose Alfredo Herrera; Ssg Cornelius James Hodges; Sgt William Andrew Housley.

Ssg Alvin York Howard, Jr.; Sgt Aaron Michael Hrdlicka; Sgt Jacob Alan Ingbritsen; Spc Joseph Swiney Jackson; Ssg Joshua Isaac Johnson; Sgt Robert James Karcz; Ssg Jeffrey Harold Kling; Pfc Jeffery Michael Kreamer; Sgt Zachary Joseph Lance; Sgt Michael Scott Lawew; Pv1 Darrin Douglas Levitan; Spc Ruben Wong Marin; Pfc Franklin Harold Matter; Sgt Christopher Ryan McCallum; Ssg Robert Thomas McDonald; 2LT Patrick M. McNamara; Sgt Danniell Lester McNeely; Pfc Bernard Kowal Means, Jr.; Spc Steven Michael Medeiros, Jr.; Pfc Michael David Meyer.

SGT Andrew John Moreno; SFC Timothy Allen Morrison; SPC Joe Abel Munoz; SSG Robert Franklin Nelson, JR.; PFC Allen Michael Odom; SGT William Donald Olli; PFC Javier Ortizrivera; PFC Raymond Andrew Palmer; PV2 Jacob Edward Peterson; 1LT Michael Robert Podojil; SPC Nathan William Possin; PV2 Christopher Chase Pugh; SPC Aaron Robert Rademacher; SGT Richard Austin Raver; CPT Ethan William Richardson; SPC Javier Rivera; SPC Steven James Schnabel; SSG Michael Shane Smithee; SGT John Eugene Sommer, III; PFC Anthony Lloyd Stevens.

PFC Joshua Alling Stezin; SGT Christopher Patrick Stokes; SSG William Eugene Stratford; SPC Clifford Lajoil Summers II; 1LT Lee S. Tilghman; SPC Mark Joseph Travitz; SPC Francisco Javier Trinidad; 2LT James Patrick Wade; SGT Travis Wayne Wagner; SPC Ian Edward Watkins; SSG Patrick Francis White; SGT Deone Lamar Whitehead; PFC Robert John Wilsman; SPC Neil Patrick Woelfel; SGT Peter Ernst Yenter; SPC Peter James Hansen; SGT Jeremiah Steven Hatch; SPC Nicholas Ryan Lester; SPC William Richard Abel II; PFC Alphonso Ronee Alford.

CW2 James Darren Allen; SGT Gabriel James Aquilano; PFC David Lee Arnett; SGT Brian Nicholas Badamy; CPT Jarrod C. Bailey; SGT Mark Angelo Bangcaya; PFC Justin Avery Banks; PFC Irvin Mark Anthony Barnett; SPC Andrew William Barone III; SGT Matthew Wayne Bonnell; PFC Joel Adam Brown; SSG Henry Burden; SGT Keith Anthony Caldwell; SGT Israel Cantu, Jr.; SGT Miguel Cipres, Jr.; SPC James Ernest Clark III; SGT Derek Bernhard Constable; SGT Joshua Lindsey Cook; SGT Ramon O. Crespongron; SPC Jason Tyler Curle.

SPC Tristan Davis; CPL Louis Michael Duran; SGT Robert Stephen Fornier; PFC Savannah Marie Freeman; ISG Brian Keith Fryer; 1LT Brian E. Gavazzi; PFC Christopher Larry Gonzales; SFC Emma Grau; SPC Nathaniel Steven Gray; SPC John Edward Green IV; PFC Tiffany Danielle Hammonds; SGT Marcus Dewayne Holder; SGT Rodney Holland; PFC Steven Anthony Hoover; SPC Shane Patrick Jauck; PFC Bryan Glynn Kelly; SPC Justin Wayne Keys; CPL Christopher Craig Land; SPC Davis Pallyn Laureta; PFC Thomas Lee.

SGT Jonathan Matthew Lehman; CPT Charles David Lewis; SGT Raymond Liddell, Jr.; SPC David Raymond Lopez; PFC Brandon Rainer Mackey; PFC Christopher Scott Mattingly; SGT Michael Reid McCloskey, Jr.; SGT Matthew Linden McGraw; PFC Javier Apolonio Medina; SGT Isaiah Matthew Melendez; SPC Shannon Lee Melendez; SPC Michael Robert Menrath, Jr.; SPC Temukisa Shantel Mewhort; SSG Ricardo Levette Monroe; SGT John Joseph Mutnansky; SGT George Eugene Myers; SSG Jim Jay Nance; SPC Jeremy Gregg Nicholson; SGT Victor Dewayne Odom; SGT Joseph Stephen Opyt.

SGT Jennifer L. Ortizchajon; SFC Marco Antonio Parris; CPL Hrair Petrosyan; SPC Justin William Phillips; SGT Steven Allen Pigg; PFC James Christopher J. Quesada; SFC Alfredo Quintero; SSG Brian Keith Reynolds; SPC Michael James Roberts; SGT Ryan Christopher Ronning; SPC Andrew Charles Ruelle; SPC Tyrone Robert Ruffin; SFC Brian Keith Sanders; SSG Daniel Sartor; SGT David Anthony Schumaker; PV2 Antonio Carlos Sellers; SSG Kyle Patrick Shook; SGT Chase Michael Smagala; SPC Brian Dee Smith; SPC Maurice Alexander Taylor.

SPC Timothy Lee Vanburen, Jr.; SSG Lewis Theodore Vann; SGT Justin Alan Walker; SPC Dustin Phillip Wilburn; SSG Patrick Kenneth Young; SGT Rachel Louise Ackerman; SPC Lorelei Leigh Corominas;

2LT Charles Nathan Davis; SPC Kristina Danielle Hilstad.

#### TRAUMATIC BRAIN INJURY

Mr. MCCONNELL. Madam President, as you know, the Defense authorization bill passed the Senate last week. Like many of my colleagues, I filed an amendment to the legislation, which had been included in the committee managers' package. Unfortunately, due to procedural matters stemming from the Senate majority's decision to limit amendments, my amendment, No. 5415—and many others like it—was not permitted to move forward. Although my amendment was not able to be considered by the Senate during debate over the Defense bill, I nonetheless want to bring the issue underlying the amendment to the attention of my colleagues.

My amendment was quite simple. It was a sense of the Senate that stated that funding for Department of Defense programs involving traumatic brain injury, TBI, and psychological health should be included in the President's fiscal year 2010 base budget.

Typically, the majority of funding for such programs has been included in supplemental appropriations measures. The reasoning apparently has been that these programs are a cost of war, and therefore they should be addressed through war supplementals.

But TBI and psychological health issues are problems that have been with us for some time and unfortunately are going to be with us for the foreseeable future.

Military personnel often experience health difficulties owing to TBI and psychological injuries long after their combat tour has been completed. Moreover, it has been reported that as many as one in five military personnel returning from Afghanistan and Iraq will suffer from TBI. That is a significant percentage of our military. There are currently nearly 3,000 brave Kentuckians deployed in the war on terror. According to these projections, close to 600 of these brave men and women will suffer from TBI. That figure does not even include those who have already returned from theater.

Considering the long-term health ramifications of TBI and the large number of military personnel who will face these challenges, it seems to me that this reality ought to be reflected in DOD's long-term baseline budgeting rather than through ad hoc supplementals.

My amendment would have put the Senate on record as stating that TBI and psychological health issues reflect a long-term budget priority for our Nation and should be considered as part of the regular order. I believe we owe the brave men and women of our military no less.

#### NEPAL

Mr. LEAHY. Madam President, I have closely followed developments in

Nepal for several years, and have been encouraged by the progress that tiny Himalayan country is making to end a divisive, bloody conflict and become a more peaceful, just and democratic society.

An enormous amount of work remains to be done, including the writing of a new constitution, demobilization and reintegration of Maoist combatants, restructuring and reform of the Nepali Army, policies and programs to address the legacy of discrimination against women and minority groups, programs of assistance for the millions of impoverished rural Nepali people who are illiterate and lack basic services, and justice for victims of atrocities committed by both sides of the conflict.

As chairman of the State and Foreign Operations Subcommittee I have included additional assistance for Nepal, above the amounts requested by the White House, for these efforts, and I commend the U.S. Ambassador, Nancy Powell, for the way that she has represented our country there. The United States has a strong interest in a democratic, peaceful Nepal, and although the situation remains fragile and the future unpredictable, Ambassador Powell and her staff have worked hard in an even-handed, diplomatic way to help keep the peace process on track.

I have also urged the leaders of Nepal's political parties, including the Maoists, to put partisan and personal interests aside for the greater good of their country at this critical time in Nepal's history. For too long, politics in Nepal have been equated with cronyism, corruption and neglect. The Nepali people who courageously took to the streets and risked their lives—some of whom lost their lives—to oust an abusive monarch, deserve a government that represents them and works to address their needs.

There are three specific issues I want to mention briefly today. The first is the treatment of Tibetan refugees in Nepal. There are disturbing reports that the Nepali Government is taking steps to forcibly return to China, in violation of international law, Tibetan exiles in Nepal, presumably in an effort to curry favor with the Chinese Government. These people have risked their lives to escape Chinese repression, and in the past the Nepali Government has, with rare exceptions, provided them refuge. The Nepali Government has a legal and moral responsibility to continue to respect the rights of Tibetan refugees, and this is an issue that the United States and others will be watching closely.

The second issue is justice, which is fundamental to any democratic society, and that means an independent judiciary and the rule of law. In Nepal, government officials who abuse their authority have too often escaped justice. Impunity has been the rule, including for members of the Nepali Army and Maoist forces.

Recently, the Advocacy Forum and Human Rights Watch jointly published a report entitled "Waiting for Justice: Unpunished Crimes from Nepal's Armed Conflict." The report describes the impunity that continues to shield those who have been credibly alleged to have violated human rights. The report includes a number of recommendations for the Nepali Government to ensure that the perpetrators of these heinous crimes are brought to justice. I urge the Nepali authorities to study the report and implement its recommendations. For the rule of law to prevail in Nepal, it must be demonstrated that human rights crimes are investigated and prosecuted and that no one is above the law.

Finally, I want to mention the issue of the implementation of the Leahy amendment in Nepal. This law, which I sponsored a decade ago, requires, among other things, thorough vetting of candidates for U.S. military or police training to ensure that they have not been involved in violations of human rights. This is important because we do not want to afford the benefits and legitimacy of U.S. training to individuals who have engaged in such crimes, and we want to encourage their governments to bring them to justice. I am concerned with reports that the Leahy amendment is not being adequately implemented in Nepal, and that some Nepali military officers who have been credibly implicated in human rights violations have been approved for U.S. training. This is a matter that must be effectively addressed by the U.S. Embassy.

During the war, the Maoists and the Nepali Army were responsible for widespread atrocities, including arbitrary detention, torture and extrajudicial killings. This eventually led to a suspension of U.S. military assistance to Nepal. After the collapse of the monarchy and the end of the fighting, that suspension was lifted, but any U.S. training of Nepali military officers should be conducted with the utmost caution and only after thorough vetting.

In the past year, the focus has shifted to military reform. The U.S. can assist in this effort, particularly through our expanded international military education and training program, but we need assurance that the Nepali Army command recognizes the need for reform and to be accountable under the law.

Madam President, I ask unanimous consent that the key recommendations in the Advocacy Forum-Human Rights Watch report be printed in the RECORD.

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

WAITING FOR JUSTICE: UNPUNISHED CRIMES  
FROM NEPAL'S ARMED CONFLICT  
KEY RECOMMENDATIONS

The new government of Nepal needs to ensure that perpetrators of grave human rights violations are brought to justice. Human Rights Watch and Advocacy Forum call on the Nepali government to:

Vigorously investigate and prosecute all persons responsible for abuses, including members of the security forces, in the 49 FIR cases highlighted in this report, as well as other cases of human rights violations.

Suspend all security forces personnel named in the 49 FIRs, or in other complaints, against whom there is prima facie evidence of criminal activity until the investigations and any prosecutions are complete.

Reform the criminal justice system, including by reviewing the role of the Nepal Police and Attorney General's Office to improve their effectiveness in investigations of serious crimes.

Criminalize "disappearances" and torture—whether committed by the security forces, Maoists or other actors—and ensure these offenses when committed by the army will be subject to investigation and prosecution by civilian authorities and courts.

Amend the Police Act, Army Act, and Public Security Act to remove all provisions that grant security forces and government official's immunity from prosecution for criminal acts.

Establish an independent, external oversight body for the Nepal Police.

Strengthen the NHRC by giving it the necessary powers to carry out credible investigations, including the power to require the attendance of witnesses and the production of evidence. The government should ensure that all the NHRC recommendations are speedily implemented by the relevant state authorities. The NHRC should be given clear powers to refer cases for prosecution and to seek legal redress against unlawful acts by state authorities.

Establish a Truth and Reconciliation Commission that does not grant amnesty for serious human rights abuses.

#### LATIN AMERICA

Mr. SPECTER. Madam President, I have sought recognition to report on a trip I made to Latin America during the August recess. Specifically, from August 17 to 23, I traveled to Mexico and Venezuela to investigate conditions relating to national security, immigration and counterdrug efforts. I also explored the current state of our diplomatic relations with these two important neighbors in the Western Hemisphere. I last visited both countries in 2005, and I was eager to assess firsthand the impact of recent changes in their domestic political landscapes.

On Sunday, August 17, I flew to Mexico City, Mexico. There, I was greeted by Robyn Prinz, a Foreign Service officer from the economic section of our Embassy, who served as my guide in Mexico. That evening, I enjoyed a taste of Mexico's rich cultural heritage by attending the famous Ballet Folklórico, a performance of Mexican folk dances, at the Palacio de Bellas Artes.

On Monday morning, August 18, I began the day by meeting with a large team from our Embassy. Ambassador Antonio Garza was traveling, so the Embassy team was led by Deputy Chief of Mission Leslie Bassett. In addition to Ms. Bassett, my meeting included representatives of the Department of Homeland Security, DHS, Customs and Border Protection, CBP, the Drug Enforcement Agency, DEA, the Defense Attaché Office, the U.S. Agency for

International Development, and the Department of Justice. I explained to the group my interest in learning about current efforts to combat drug trafficking and the attendant violence in Mexico and the extent to which U.S. aid can be of assistance in tackling these problems. In particular, I inquired about the likely impact of the Merida Initiative, a multiyear proposal to provide funding to Latin American countries to support counternarcotics, counterterrorism, and border security efforts, as well as programs designed to build accountable public institutions and ensure the rule of law. Earlier this year Congress approved the initial sum of \$400 million for Mexico and \$65 million for Central America, the Dominican Republic, and Haiti. Finally, I asked our representatives in Mexico about Mexican efforts to stem the flow of illegal immigrants into the United States.

According to Ms. Bassett, in the 18 months since he was elected, Mexican President Felipe Calderón of the center-right Partido Acción Nacional, PAN, has moved quickly to bolster law enforcement and counterdrug efforts. He has also launched economic reforms intended to make Mexico more attractive to Mexicans. Ms. Bassett further noted the importance of our bilateral trade with Mexico. She pointed out that Mexico is now the third largest trading partner of the United States. And, as transportation costs continue to rise, trade between Mexico and the United States will likely become even more important.

David Gaddis, the regional director for DEA in Mexico, explained that President Calderón's efforts to combat drug traffickers have been costly for Mexico—not only in terms of enhanced resources but also in terms of lives lost. The press has taken note of this unfortunate reality. In June 2008, the New York Times wrote, "[s]ince Mr. Calderón came to office in December 2006, he has sent thousands of federal police officers and troops to reclaim cities and states where [drug] traffickers controlled local officials through bribes and threats. The offensive has unleashed a war among different cartels that has killed more than 4,000 people, among them about 450 soldiers, police officers and public officials." Nevertheless, according to Agent Gaddis, Mexico has achieved significant successes against the traffickers, arresting key leaders and extraditing many of them to the United States to stand trial. The DEA has also seen large improvements in the level of information sharing and cooperation from Mexican officials. This interaction directly benefits the United States because the major cartels in Mexico can be tied directly to drug traffickers in the United States. To drive home this point, Agent Gaddis provided a map showing cases in every state with links to Mexican drug trafficking organizations.



As the assembled agency representatives noted, of course, the drug problem is not a one-way street. High demand for illegal drugs within the United States fuels much of the drug trade. And, just as drugs are smuggled into the United States, weapons and money are increasingly being smuggled into Mexico from our country. By some estimates, more than 90 percent of the weapons being used by Mexican drug traffickers originate in the United States. Erik Moncayo, the CBP attaché in Mexico, pointed out that the United States has been far more focused on contraband, hazardous materials, and persons entering the country than those leaving it for Mexico. As a result, bulk cash shipments totaling more than \$12 billion are reportedly smuggled into Mexico annually. Among other things, these illegal proceeds are used to pay off corrupt police and public officials.

Although the Mexican Government has begun to implement new legal reforms, including a shift away from a confession-driven judicial system to one that places a greater emphasis on other evidence, corruption is still a major problem in Mexico—especially among the ranks of the local police. This breeds mistrust of the very officials who should be relied upon by the public to keep them safe. This mistrust was illustrated in a tragic case that occurred shortly before my arrival in Mexico and which was mentioned in nearly every meeting I had there.

In June 2008, the 14-year-old son of a wealthy family—the founders of a chain of sporting goods stores—was kidnapped and held for ransom. Rather than call the police, however, the family reportedly hired a private negotiator to deal directly with the kidnapers. Then, after they had paid millions of dollars in ransom money, their son's body was found in the trunk of a stolen car abandoned in Mexico City. This tragic case, and the deep mistrust of the police it reveals, underscores the serious challenge faced by President Calderón and his administration as they seek to reform Mexico's criminal justice system.

On the illegal immigration front, Ms. Bassett noted that there had been a decrease in illegal immigration from Mexico, but she acknowledged that the causes could range from a weakened U.S. economy to enhanced border security to increased opportunities in Mexico, or some combination of these factors. Mr. Moncayo, the CBP representative, highlighted a successful joint operation with Mexican officials—dubbed the Oasis program—under which more than 800 cases involving alien smugglers have been prosecuted by Mexico during the last 3 years, using evidence collected in part by U.S. authorities, with a nearly 98 percent conviction rate.

In response to my question about Mexico's willingness to accept criminal aliens being deported by the United States, Ms. Bassett said that Mexico

actively cooperates with such repatriation efforts. I was pleased to hear this news because I have been particularly concerned about the refusal by some countries to accept their nationals back after they have served criminal sentences in the United States and been ordered deported.

Later on August 18, I met with Mexico's Secretary of Public Security, Genero García Luna. Secretary Luna is charged with the daunting task of reforming Mexico's federal police force and forging new, cooperative arrangements with the country's state and local police. A July 13, 2008 profile in the *New York Times Magazine* notes that "García Luna cultivates the image of a cop in a world of politicians, a doer in a world of talkers." The article also quotes a security analyst as saying that Secretary Luna has "the hardest job in the country."

I found the Secretary to be sincere and enthusiastic about his mission. He described ongoing efforts to improve police pay, regulate the requirements for new recruits, and require comprehensive "trust" centers—akin to community policing centers—for citizens to interact with police and prosecutors in the states and localities. He also focused on the need to stem the tide of illegal weapons entering Mexico from the United States.

Secretary Luna represented that more than 95 percent of the firearms used by Mexican criminals come from the United States. He said that, in the first 2 years of the Calderón administration, approximately 20,000 high-caliber weapons have been seized by Mexican law enforcement. While acknowledging the value of assistance from the U.S. Bureau of Alcohol, Tobacco, Firearms and Explosives, ATF, in tracing the origins of such weapons, Secretary Luna urged a crackdown on retailers along the southwest border selling weapons for export to Mexico.

With respect to the recent, high-profile kidnapping and murder of a 14-year-old boy, Secretary Luna noted that kidnapping is not a federal offense in Mexico; a fact that limits his ability to investigate such cases. I cited the 1932 kidnapping and murder of the young son of aviator Charles Lindbergh as the catalyst for making kidnapping a Federal offense in the United States and suggested that Mexico may have reached a similar moment in its legal evolution. The Secretary agreed and said that members of the administration planned to meet with legislators later in the week to consider such a change.

Although somewhat outside his jurisdiction, I asked the Secretary for his views on the impact of the North American Free Trade Agreement, NAFTA, on security matters and the standard of living in Mexico. I also asked about his department's cooperation with other countries to combat drug trafficking, particularly Colombia, Venezuela, and Cuba. Secretary Luna said that he thought NAFTA had

been very important for job creation in Mexico, with incidental benefits for security. With respect to international cooperation on drugs, he said that cooperation with Colombia was very good. He said that the cooperation with Venezuela and Cuba was more difficult but noted that they had worked collaboratively through third-party organizations. For example, he cited cooperation with Venezuela through Interpol.

I further inquired about Mexico's cooperation with the United States on terrorism matters. Secretary Luna was very positive about the level of cooperation. He said, for example, there was an active effort to preempt potential terrorists from the Middle East from seeking entry into the United States via Mexico.

Following my meeting with Secretary Luna, I met with Mexico's Attorney General, Eduardo Medina-Mora Icaza. I had met the Attorney General during my last visit to Mexico, when he was serving as the Director of the Center for National Security Investigations, Mexico's equivalent of the CIA. Once again, I found him to be articulate, intelligent and dedicated to public service—though he also has a strong background in the private sector and brings a business person's pragmatism to the work of government.

The Attorney General described his department's current relationship with U.S. law enforcement and our Justice Department as the "best ever" in his considerable experience. He said that, through joint operations, we have succeeded in challenging and disrupting the key drug cartels, which are now more fragmented than ever. He conceded, however, that we have not yet succeeded in significantly reducing the total output of drugs. He then focused on some of the concerns that had been discussed in my earlier meetings, particularly the smuggling of guns and bulk cash shipments into Mexico.

In addition to improved checkpoints for south-bound traffic, the Attorney General recommended some other avenues for exploration. For example, he noted that approximately half of the cash shipments smuggled into Mexico consisted of large-denominations, like \$100 bills. This suggests that the smugglers may have some contact with U.S. financial institutions, which may provide another avenue for investigation and interdiction. Further, the Attorney General said that most of the weapons shipped into Mexico were purchased by "straw" buyers, who were paid a fee for essentially renting their identification to the true purchasers—a practice that might be subjected to limitations without infringing on the second amendment.

On the issue of immigration, the Attorney General offered a thought-provoking demographic analysis of the subject. First, he acknowledged that the United States has the most vibrant economy in the world, supported by a host of desirable factors including the

rule of law the ability to innovate and profit from innovation; labor flexibility and mobility; and the ability to shift assets from one sector of the economy to another through the financial markets. Nevertheless, he argued that the United States simply does not produce enough humans to keep up with its economic growth. And, although concerns about illegal immigration may currently be focused on Mexico, the Attorney General further argued that—within just 15 years—Mexico won't be able to supply much labor to the United States because Mexico's labor force peaked in 2006 and is now growing at a rate of less than 1.4 percent. Indeed, Attorney General Medina-Mora suggested that the whole world may face a labor shortage within a generation, due to falling population rates across much of the globe. In contrast to years past, the Attorney General also said that today's migrants are not uneducated peasants but workers with an average of 9 years of education and sought-after skills.

I asked the Attorney General for his views on the value of dialog with other nations, even dialog with adversaries. He agreed that dialog is critical. With respect to my trip to Venezuela, Attorney General Medina-Mora said that isolating Venezuela would be the worst way to deal with the country. He said that Cuba ought to serve as an important lesson; namely, that isolation can actually help a disfavored regime to sustain itself. Of course, it would be naive to think that dialog is a silver bullet. In fact, at the time of our meeting, the Attorney General still appeared hopeful that dialog would ensure fair compensation for a Mexican-owned cement company that Venezuela was seeking to nationalize. As we later learned, however, efforts to engage the Venezuelan Government on this subject failed to prevent Venezuela's expropriation of the Mexican company by threat of force or at least under the supervision of national guard troops. Nevertheless, I believe that, over time, dialog often produces better results than heated rhetoric and posturing.

On Tuesday, August 19, following a brief tour of the beautifully restored Chapultepec Castle overlooking Mexico City, I departed for Caracas, Venezuela. Upon arrival in Caracas, I was welcomed by our Ambassador there, Patrick Duddy, and the Control Officer for my visit, Evan Owen. Due to a traffic accident, our trip from the airport to the Ambassador's residence turned into a tour of relatively impoverished enclaves perched on the steep slopes of a twisting mountain road. By the time we reached our destination, it was nearly midnight.

On Wednesday, August 20, I began my day with a briefing from Ambassador Duddy and key members of his Embassy team. They provided an overview of significant developments in Venezuela since my last visit in 2005. Perhaps most significantly, President Hugo Chávez lost a Constitutional Ref-

erendum in December 2007 that would have further consolidated his power, despite publicly characterizing the vote as a choice between himself and President George Bush. Now, as the New York Times reported on August 6, 2008, President Chávez is "using his decree powers to enact a set of [26] socialist-inspired measures that seem based on a package of constitutional changes that voters rejected last year."

Among other things, these decrees create new regional officers, appointed by the government, who could help President Chávez to retain influence in states and localities even if his party loses upcoming state and local elections. Similarly, the decrees elevate the status of a new militia force that reports directly to the President, making it co-equal with the traditional branches of the military services, which facilitated a short-lived coup against President Chávez in 2002. According to the August 6, 2008, Wall Street Journal, "Mr. Chávez said that if anyone didn't approve of the laws, they could file for a challenge with the supreme court. But critics . . . said that would be futile because six of the seven justices are sympathetic to the president."

In another troubling development, Venezuela's Controller General has reportedly disqualified nearly 300 individuals from holding appointed public office, or running for elected office, based on central government sanctions—but not convictions—for alleged administrative irregularities. A number of those who have been disqualified would have been strong potential opposition candidates for municipal and state elections scheduled for November 23, 2008. These elections pose the next major test for both the Chávez administration and the political opposition.

At the same time, there has been some recent reason for optimism. On July 5, 2008, Venezuela's Independence Day, President Chávez publicly approached Ambassador Duddy and expressed a desire to renew antidrug cooperation with the United States. Among other things, President Chávez recalled how he had met several times with John Maisto, the U.S. Ambassador to Venezuela from 1997 to 2000. According to press accounts of the overture, President Chávez also mentioned the upcoming U.S. Presidential elections and commented, "whoever wins, we should be able to sit down and converse. I did this with Clinton, we sat down to talk."

I was particularly heartened by the prospect of renewed cooperation on drugs because I had pushed for such collaboration between our countries during my visit in 2005. I even took the somewhat extraordinary step of asking then Secretary of Defense Donald Rumsfeld to consider "a moratorium on adverse comments on Venezuela" because I believed his harsh rhetoric about President Chávez at the time was counterproductive. With respect to the most recent overtures from Presi-

dent Chávez, however, it remains somewhat unclear whether he is prepared to match his positive words with meaningful actions.

Following my meeting with the Ambassador and his team, I accompanied him to the U.S. Embassy for further briefings on drug trafficking and national security issues. With regard to the drug issues, I met with members of the U.S. Embassy's law enforcement team. By way of background, in September 2007, President Bush issued a determination that Venezuela, for the third year in a row, had failed demonstrably over the previous 12 months to adhere to its obligations under international counternarcotics agreements. In a September 17, 2007, report, State Department officials maintained that, although Venezuela indicated that it had developed some new programs to fight drug trafficking and were making seizures, its efforts continued to be limited.

Given this backdrop, I asked the representatives of the law enforcement team in Caracas about recent reports suggesting that Venezuela had further increased its drug seizures and begun a campaign to bomb clandestine airstrips in the Venezuelan jungle being used by Colombian drug traffickers. Those present reported that the flow of drugs through Venezuela had increased dramatically, making the new seizures a smaller percentage of the whole. They also questioned the value of bombing dirt airstrips that could be quickly reconstituted. Moreover, the Government's claims with regard to such airstrips arguably served to confirm the importance of Venezuela as a transshipment point for drugs from Colombia being sent to the United States and the need for further cooperation.

The group identified several modest steps that President Chávez could take to demonstrate his commitment to rebuilding cooperation on counter-drug efforts: No. 1, reiterate to his people what he said to Ambassador Duddy; No. 2, designate clear points-of-contact in Venezuela's counterdrug agencies for their U.S. counterparts; No. 3, approve seven pending applications for visas from the DEA; No. 4, give DHS access to the airport in Caracas to screen for contraband headed to the United States; No. 5, allow the United States to re-export an x-ray machine intended for scanning cargo at a port but currently sitting unused; and No. 6, permit effective cooperation between U.S. officials and the Intelligence Unit of the superintendent of Banks. To this list, I would add that the Chávez government should meet with the America's so-called drug czar, Director of National Drug Control Policy John Walters. As noted later in my remarks, Director Walters was denied a visa during my visit to Caracas, although the purpose of his requested visit was to follow up on the proposal President Chávez made to Ambassador Duddy to begin increasing counternarcotics cooperation between the United States and the Government of Venezuela.

The following day, August 21, I started the morning by meeting with two members of the Venezuelan National Assembly: Saul Ortega, the first Vice-President of the National Assembly, and Francisco Torrealba, the leader of the U.S.-Venezuela Friendship Group in the National Assembly. We discussed the fact that, prior to the 2005 parliamentary elections, there used to be fairly regular dialog between the U.S. Congress and the Venezuelan National Assembly through the informal "Boston Group." The parliamentarians commented favorably on their past contacts with former Representative Cass Ballenger of North Carolina and Representative WILLIAM DELAHUNT of Massachusetts. Vice President Ortega also recalled fondly a meeting with Senator JOHN KERRY of Massachusetts and mentioned a visit to Venezuela by Senator KERRY and his fellow Massachusetts Senator, EDWARD KENNEDY, that had been discussed but not completed. Both members of the assembly said that such exchanges with the U.S. Congress would be welcome.

During our meeting, which was also attended by Ambassador Duddy, I stressed the importance of the separation of powers under the U.S. Constitution. I noted that, as a Senator, I am free to criticize or dissent from the decisions of Presidents of my own party. I also cited the example of recent Supreme Court rulings on the rights of detainees being held at Guantanamo Bay, Cuba, to underscore the value of our independent judiciary, confirmed with the advice and consent of the Senate. I am hopeful that through future exchanges, legislator-to-legislator, we may demonstrate the merits of our system of checks and balances and find a way to address areas of common interest to both countries, even if our respective executive branches remain at loggerheads.

Following the meeting with the parliamentarians, Ambassador Duddy and I traveled to the economically challenged Bucaral neighborhood in the affluent Chacao borough of Caracas. A grassroots nongovernmental organization called "Friends of the Health of Bucaral" is working to improve conditions for the neighborhood's residents. Among other things, this organization operates a computer room for young students. In addition, the group's center offers conflict resolution programs, drug prevention workshops, and cultural classes in dance, theater, storytelling and music. The U.S. Embassy, through the Narcotics Affairs Section, has helped to support the youth center's illicit drug demand reduction efforts. I had the pleasure of meeting the organization's founder, Maria Teresa Gonzalez, and several of the children who benefit from the group's programs. I also had the chance to visit a small police post to see firsthand the work they are doing—much like community police stations in American cities—to build trust in the community and prevent crime.

After visiting the Bucaral neighborhood, I met with representatives of Venezuela's Jewish community at a meeting hosted by the Confederation of Israelite Associations of Venezuela, CAIV. CAIV is the leading Jewish organization in Venezuela. The Jewish community in Venezuela stands at some 13,000, down from over 20,000 10 years ago.

I was especially interested to speak with representatives of the Jewish community because, the week before my visit to Venezuela, President Chávez met with Jewish leaders including Ronald Lauder, president of the World Jewish Congress. As reported by the Miami Herald on August 14, 2008, Venezuelan Foreign Minister Nicolás Maduro expressed hope following the meeting that "this coming-together will be maintained." According to the Herald, Argentina's Ambassador in Washington, Héctor Timerman, who also attended the meeting, said Chávez had "expressed a desire to join forces with [Argentine President Cristina] Fernández de Kirchner and Brazilian President Luiz Inácio Lula da Silva 'to achieve the eradication of anti-Semitism in Latin America.'" The Herald also quoted another meeting participant as saying that the three leaders may sign a joint statement against anti-Semitism in September.

At my meeting with Jewish leaders, I received generally positive reports on the meeting with President Chávez. The group expressed hope about the direction of relations between the Jewish community and the Government. I would note that, in addition to publicly condemning anti-Semitism, there are other concrete things the Chávez government could do to improve relations. As reported by the Associated Press on August 14, 2008, the Simon Wiesenthal Center has urged Venezuela to investigate two police raids on the Jewish community center in Caracas, including one "on the eve of a contentious referendum vote in December." Especially given his public support of Iranian President Mahmoud Ahmadinejad, who has denied the Holocaust and said that Israel should be wiped off the map, I hope that President Chávez will take concrete and public actions to reassure the Jewish community in Venezuela that they are valued members of Venezuelan society.

On Friday, August 22, I met with potential opposition candidates in November's state and local elections. The first of these was a mayoral candidate who, like more than 260 others, has been banned from seeking elective office through an administrative decision by Venezuela's Controller General. He denied any wrongdoing and stressed that he had not been given an opportunity to challenge the factual basis for the Controller General's decision. While he and others are challenging their disqualification, they are concerned that the courts lack sufficient independence to issue a fair ruling on the matter.

Among those I met was Henrique Capriles Radonski. He is the current mayor of Baruta, a borough of Caracas where the U.S. Embassy is located. Prior to serving as mayor, Capriles was the President of the Venezuelan National Assembly 1999-2000, the youngest in its history. Capriles is currently the opposition candidate for the governorship of Miranda State, which surrounds much of Caracas.

Mr. Capriles has received international notoriety due to an apparent political prosecution against him. His case was profiled in a Washington Post op-ed by Deputy Editor Jackson Diehl on April 10, 2006. As noted by the Post, the case against Capriles relates to an incident during the brief 2002 coup against Chávez, when Capriles sought to disperse a hostile crowd that besieged the Cuban Ambassador's residence. Despite his efforts at peacekeeping, Capriles was later jailed and charged with trespassing, intimidation, and "violating international principles," among other crimes. Although the case was dismissed, the charges were later refiled and Capriles remains in legal jeopardy. The Post op-ed described Capriles as "one of the brightest stars in a new generation of Venezuelan politicians untainted by the discredited political establishment Chávez replaced." I would concur. Despite obvious hurdles, he remains optimistic about the future of democracy in Venezuela—as well as his own prospects for being elected Governor of Miranda in November.

I should note that, in addition to my meeting with opposition candidates, the U.S. Embassy also arranged for me to meet with several scholars, community leaders, business leaders, and representatives of the independent media during my visit. Although it is my normal practice to publicly document my meetings during foreign trips, the current political situation in Venezuela leads me to be somewhat circumspect about naming everyone with whom I met. Although the individuals expressed a range of viewpoints, those who were not aligned with President Chávez's party expressed concerns about the health of Venezuelan democracy, especially in light of the recent Presidential decrees, which appear to run contrary to the 2007 referendum. They also expressed anxiety about the disqualification of opposition candidates in advance of the November elections for state and local offices, and they shared concerns about the Government's increased push to nationalize key sectors of the economy. All agreed that the upcoming elections, much like the constitutional referendum last December, represent a critical moment in Venezuela's contemporary political development.

On Friday, Ambassador Duddy and I also received two pieces of disappointing news: First, we learned that Venezuela had declined to schedule a meeting with Director John Walters, America's drug czar. Second, we

learned that President Chávez had used his regular television program to hurl new slurs at President Bush. Specifically, President Chávez used a photograph of President Bush stumbling on some steps at the Olympics to criticize him as a "drunk." As reported by the Associate Press, Chávez said Bush looked "drunk and quipped to his listeners: "Gold medal for alcoholism." Despite these setbacks, however, I agreed to a meeting with Venezuela's Minister of Foreign Affairs, Nicolás Maduro, on Friday afternoon. Ambassador Duddy accompanied me to the meeting.

Mr. Maduro has served as Foreign Minister, basically Venezuela's Secretary of State, since August 2006. Previously, he served as President of the National Assembly from 2005 to 2006. He is known as an ardent defender of President Chávez and his socialist program. I began the meeting by emphasizing my belief that Venezuela and the United States share many common interests, such as our mutual interest in drug interdiction, which can be advanced by greater dialogue. I expressed my hope that it may yet be possible to arrange a visit by Director Walters, and I added that both U.S. Presidential candidates understand the importance of dialog.

Minister Maduro said he was open to the possibility of greater dialog, but he said the Venezuelan Government was pessimistic because they believed that positive gestures from the United States were too often followed by negative statements about Venezuela by U.S. spokespersons. He also noted that efforts to improve relations with the United States were not always received well by the Government's own grassroots supporters. Minister Maduro questioned aloud whether the time was ripe for better relations and said that after the U.S. elections might present a new opportunity. Mr. Maduro also mentioned his own involvement in the former "Boston Group."

I responded that it would be better to lower the negative rhetoric on both sides. I also discussed my positive meeting with members of the National Assembly and said that we should not wait until after the elections to begin to build bridges. I pointed out, for example, that Director Walters was not a politician but a professional who could help facilitate greater cooperation against drug traffickers. Minister Maduro said Venezuela was taking the proposal seriously and would have a final answer very soon. He then recited some of Venezuela's successes in domestic counterdrug efforts. I left the meeting encouraged that future dialog may be possible. But, in response to a reporter's question as I left, I also defended President Bush against the ridiculous claim that he had been intoxicated at the Olympics.

In closing, I would like to add that Ambassador Duddy, a career member of the Senior Foreign Service who most recently served as Deputy Assistant

Secretary of State for Western Hemisphere Affairs, is doing a splendid job under difficult circumstances. He is a true expert on Latin America and exemplifies the best of the Foreign Service. He is aided by a very able staff, all of whom are seeking to improve diplomatic relations in a challenging environment. Also, on a personal note, the Ambassador and his wife were gracious and charming hosts throughout our stay in Venezuela, and I look forward to working with him in the future. Mr. President, I yield the floor.

Almost a week to the day after I left Venezuela, President Hugo Chávez threatened our Ambassador, Patrick Duddy, with expulsion in apparent response to criticism by America's drug czar, John Walters. Mr. Walters, after being denied a visa to travel to Venezuela, warned that the flow of Colombian cocaine through Venezuela has quadrupled since 2004, reaching an estimated 282 tons last year.

As the New York Times reported on September 1, 2008, "Mr. Chávez's comments effectively ended what seemed to be the start of a thaw in July, when he chatted with Mr. Duddy at a military parade and invited him to lunch."

On September 11, 2008, President Chávez followed through on his threat. He announced that he was expelling Ambassador Duddy and gave him 72 hours to leave the country. According to the New York Times, President Chávez claimed to have "discovered an American-supported plot by military officers to topple him." Of course, the Times also noted that President Chávez has "claimed at least 26 times in the last six years that there were plots to kill him, according to counts in the local media."

Since this announcement, relations between our two countries have continued to deteriorate. On September 12, 2008, the United States announced it would expel the Venezuelan Ambassador and the U.S. Treasury Department accused three Venezuelan officials with close ties to President Chávez of aiding the Revolutionary Armed Forces of Colombia, or FARC, which the United States has designated as a terrorist organization.

To add even more fuel to the fire, as all of this was occurring, Russian bombers landed in Venezuela and several media outlets reported that President Chávez is discussing plans for military exercises with Russia's navy in the Caribbean.

I am deeply disturbed by these developments. During my visit, there were already signs that President Chávez had decided not to follow through on his July overtures to Ambassador Duddy concerning renewed cooperation against drug traffickers, but I did not imagine that within weeks he would seek to expel the Ambassador. As I have noted in my trip report, Ambassador Duddy is an exemplary diplomat. His ouster is truly a tragedy.

## WHERE ARE THEY?

Mr. SPECTER. Madam President, I have sought recognition to insert into the RECORD an article by Michael Smerconish, Esquire, concerning efforts by the United States to capture Osama bin Laden and Ayman al-Zawahiri. Mr. Smerconish is a distinguished columnist who writes for the Philadelphia Inquirer and the Philadelphia Daily News, has a morning talk show on the "Big Talker," 1210 WPHT-AM, and appears on MSNBC. I have known Mr. Smerconish for more than 20 years and have a very high regard for his scholarship, among his other fine qualities. While I do not agree with all his comments, especially all his political evaluations, I believe this article should be made available to my colleagues and the public generally to the extent that the CONGRESSIONAL RECORD is read. Accordingly, I ask unanimous consent to have the article to which I refer printed in the RECORD.

PAKISOURCED

(Michael Smerconish, Sept. 11, 2008)

Where the hell are Osama bin Laden and Ayman al-Zawahiri? And why does virtually no one ask anymore? What's changed since the days when any suburban soccer mom would have strangled either of them with her bare hands if given the chance? And what happened to President Bush's declaration to a joint session of Congress nine days after 9/11 that "[A]ny nation that continues to harbor or support terrorism will be regarded by the United States as a hostile regime." Doesn't that apply to Pakistan?

These are things that I wonder as I watch from my perch in Philadelphia, where I'm a talk show host, columnist and MSNBC talking head. I have also spoken and written about them incessantly, so much so that I've exhausted my welcome with many conservative members of my own talk radio audience. My editors at The Philadelphia Daily News and The Philadelphia Inquirer have made it clear that I've published my last column on this issue because I have written seven to date. On the day after the Pennsylvania primary, I told Chris Matthews on Hardball that this was an issue that could help Barack Obama win support among white male voters, he recognized that it was "[my] issue," before adding, "And I agree with you completely."

I can't help myself. So strong is my belief that we've failed in our responsibility to 3,000 dead Americans that I am contemplating voting for a Democratic presidential candidate for the first time in my life. It's the chronology I find so compelling.

We're at the seven year anniversary of 9/11, lacking not only closure with regard to the two top al Qaeda leaders but also public discourse about any plan to bring them to justice. To me, that suggests a continuation of what I perceive to be the Bush Administration's outsourcing of this responsibility at great cost to a government with limited motivation to get the job done. Of course, I may be wrong; I have no inside information. And I'd love to be proven in error by breaking news of their capture or execution. But published accounts paint an intriguing and frustrating picture.

To begin, bin Laden is presumed to have been in Afghanistan on 9/11 and to have fled that nation during the battle at Tora Bora in December of 2001. Gary Berntsen, who was the CIA officer in charge on the ground, told me that his request for Army Rangers to prevent bin Laden's escape into Pakistan was

denied, and sure enough, that's where bin Laden went. Then came a period when the Bush Administration was supposed to be pressing the search through means it couldn't share publicly. But as time went by with no capture, the signs became more troubling.

We now know that in late 2005, the CIA disbanded Alec Station, the FBI-CIA unit dedicated to finding bin Laden, something which was reported on July 4, 2006 by *The New York Times*. At the time, I hoped we'd closed the bin Laden unit because Pakistani President Pervez Musharraf was fully engaged in the hunt in his country's northwest territories, where the duo were supposedly hiding. In September 2006, however, Musharraf reached an accord with tribal leaders there, notorious for their refusal to hand over a guest. In doing so, he agreed to give them continued free reign.

The following month, in October of 2006, I participated in a week-long, Pentagon-sponsored, military immersion program called the Joint Civilian Orientation Conference. This was a unique opportunity for 45 civilians who were invited to play military tourist and learn first-hand about the United States Central Command (CENTCOM). We traveled 15,000 miles and spent time in four nations. Our days began at 5 or 6 a.m. and didn't end until 10 or 11 p.m. Along the way, we boarded the USS Iwo Jima by helicopter in the Persian Gulf, fired the best of the Army's weaponry in the Kuwait desert (just 10 miles from Iraq), drove an 11-kilometer Humvee obstacle course (designed to teach about IEDs), boarded the Air Force's most sophisticated surveillance aircraft in Qatar, and even took a tour of a military humanitarian outpost in the Horn of Africa. In addition to Secretary Rumsfeld, we were briefed by the vice chairman of the Joint Chiefs of Staff, the vice admiral of CENTCOM and other high-ranking war commanders.

I came home with the utmost respect for the men and women throughout the ranks of all five branches of the service committed to eradicating the forces of radical Islam. But there was one thing noticeably absent: The search for bin Laden and al-Zawahiri. It was not part of our otherwise comprehensive agenda, and when I did ask specific questions, there was no information forthcoming except a generic assertion that, indeed, the hunt continued.

When we were briefed at Andrews Air Force Base by Vice Admiral David Nichols, the No. 2 to Army Gen. John Abizaid, I asked him whether the hunt for bin Laden was, at that stage, completely dependent upon Pakistani President Pervez Musharraf. He told me we respect national sovereignty, and described the search as "difficult and nuanced." I took that as a confirmation of my concern about outsourcing.

When in Bahrain, I put the same question to Marine Brig. Gen. Anthony Jackson. He told me that the search was the equivalent of finding one man in the Rockies, an analogy that I heard repeatedly from men I met overseas. He also said that "no one is giving up," and that my question was better put to the guys in special ops.

So, when we got to the special ops headquarters in Qatar, I raised the matter yet again, this time with Col. Patrick Pihana, the chief of staff to the Combined Forces Special Operations Component Command. He offered nothing substantive on the issue.

No one told me the search was over, but I came home worried that the days of aggressively hunting bin Laden and al-Zawahiri had ended. Of course, I could fully appreciate that an aggressive pursuit was underway but that I, a blowhard from Philadelphia, was simply deemed unworthy of any information. That would have been fine.

But there was another consideration. More than one individual with whom I spoke—and no one that I have named here—raised with me the question of what would happen to public support for the war against radical Islam if we were to find and kill bin Laden and al-Zawahiri. They wanted to know: Would the American people then expect the military to pack up and go home? No one ever told me that we're not hunting bin Laden because killing him would cause Americans to want to close up shop in Iraq and Afghanistan, but it was absolutely on the minds of our warriors as support for the war in Iraq dissipated.

A few months before my return, there was news of our response to the accord reached between Musharraf and the tribal warlords. The agreement, which was effected on September 5, 2006, stipulated that the Pakistani army would pull back from the tribal areas. A report from the BBC detailed what the tribal leaders would grant the army for withdrawing: "Local Taleban supporters, in turn, have pledged not to harbor foreign militants, launch cross-border raids or attack Pakistani government troops or facilities."

Meanwhile, there was no demand for accountability by our government. The White House and the Pentagon consistently played down the significance of capturing bin Laden and al-Zawahiri, and President Bush offered only superficial responses to the few questions raised on the status of the search. On February 23, 2007, the Army's highest-ranking officer, Gen. Peter Schoomaker, said he didn't know whether we would find bin Laden, and "I don't know that it's all that important, frankly."

At a May 24, 2007 White House news conference, when asked why Osama was still at large, President Bush offered his usual refrain: "Because we haven't got him yet . . . That's why. And he's hiding, and we're looking, and we will continue to look until we bring him to justice." For me, somewhere between two and four years removed from 9/11, it had all begun to wear thin—especially because it seemed bin Laden remained active. Unfortunately, the President's standard line has long been accepted by the media and American people.

Then, On May 20, 2007, the *Times* reported that we were paying \$80 million a month to Pakistan for its supposed counter-terrorism efforts, for a total of \$5.6 billion.

In July 2007, a National Security Estimate concluded that the failure of Musharraf's accord with warlords in Pakistan's tribal areas had allowed bin Laden's thugs to regroup there. On July 22, National Intelligence Director Adm. Mike McConnell said on Meet the Press that he believed bin Laden was in Pakistan in the very region Musharraf had ceded to the warlords.

I hoped that the presidential campaign would move the issue to the front burner, but despite its 24/7 nature it failed to stir up a discussion about the failure to capture or kill those who pushed us down such a perilous path. In the first seven presidential debates—four for the D's, three for the R's—there was only one question in 15 hours of discourse that touched on the subject of finding bin Laden in Pakistan, and it came from the audience. Though I did not keep count thereafter, I know that the issue never gained resonance in any subsequent debate.

Things changed somewhat on August 1, 2007, when Barack Obama delivered a speech at the Woodrow Wilson International Center for Scholars: "If we have actionable intelligence about high-value terrorist targets, and President Musharraf won't act, we will," he said.

"We can't send millions and millions of dollars to Pakistan for military aid, and be a constant ally to them, and yet not see

more aggressive action in dealing with al Qaeda."

Finally, I thought, a presidential candidate saying something about this foreign-policy failure.

The reaction? Ridicule.

Then presidential candidates Joe Biden and Chris Dodd responded derisively. Pakistani foreign ministers did likewise. Across the aisle, John McCain pounded Obama for a perceived lack of seasoning in the realm of foreign relations: "The best idea is to not broadcast what you're going to do," McCain said in February. "That's naive." (More recently, McCain has grown fond of saying that he'll "follow bin Laden to the gates of hell.") Not to be left out, Hillary Clinton said, "You can think big, but, remember, you shouldn't always say everything you think when you're running for president because it could have consequences across the world, and we don't need that right now."

Of course, that didn't stop Senator Clinton from including bin Laden's image—along with reminders of the attack on Pearl Harbor—in a television commercial that aired in the final days before the Pennsylvania primary election. After scolding her opponent for advocating a specific course of action in Pakistan, the world's most infamous terrorist became a bankable issue for the junior senator from New York when her back was against the wall.

To his credit, Obama refused to back away from his insistence on reasserting American control over the hunt for bin Laden. I interviewed him on March 21, 2008, and he admitted that a resurgence of the Taliban had occurred in Pakistan.

"What's clear from . . . what I've learned from talking to troops on the ground is that unless we can really pin down some of these Taliban leaders who flee into the Pakistan territories, we're going to continue to have instability, and al Qaeda's going to continue to have a safe haven, and that's not acceptable."

I was pleased by what he had to say about the issue, and asked about it again on April 18, 2008, when I interviewed him for a second time. He told me that Musharraf, despite being flush with billions in American aid, was not taking counter-terrorism seriously.

"That's part of the reason that I've been a critic from the start of the war in Iraq," Obama told me. "It's not that I was opposed to war. It's that I felt we had a war that we had not finished."

"And al Qaeda is stronger now than at any time since 2001, and we've got to do something about that because those guys have a safe haven there and they are still planning to do Americans harm."

He also pointed out that the Bush administration had actually shown signs of following his lead. Obama reminded me that a late-January airstrike killed a senior al Qaeda commander in Pakistan, calling it an example of the type of action he'd been recommending since August. The CIA, it was reported a few weeks after the strike, acted without the direct approval of Musharraf.

Soon after I spoke with Senator Obama, the non-partisan Government Accountability Office, the investigative arm of the United States Congress, issued a report dated April 17, 2008 with a title requiring no interpretation: "Combating Terrorism: The United States Lacks Comprehensive Plan to Destroy the Terrorist Threat and Close the Safe Haven in Pakistan's Federally Administered Tribal Areas."

The report, undertaken at the bipartisan request of U.S. House and Senate members, minced no words in issuing a conclusion that should have made Americans' blood boil: Six years after September 11, the United States had failed to destroy the terrorist havens in

Pakistan's federally administered tribal areas (known in the report as FATA). The GAO confirmed prior reports that al Qaeda was revitalized and poised to launch an attack, and said that no comprehensive U.S. plan existed to combat terrorism on its most central front.

In the days that followed its release, I spoke to Charles Johnson, under whose signature the GAO report was issued. He told me: "With respect to establishing a comprehensive plan, we found that there were some individual plans that had been prepared by the various entities I mentioned earlier [the Department of Defense, Department of State, U.S. Agency for International Development, among others]."

"But yet there was no comprehensive plan that integrated all of the key elements of national power that was called for by the 9/11 Commission, by the National Security Strategy for Combating Terrorism and the United States Congress. And those elements I'm referring to are: the use of military, economic and development assistance; law enforcement support; intelligence support; as well as political and diplomatic means by which we would want to address the root cause of terrorism in a particular region."

From there the headlines continued to defy the GAO recommendations. "Pakistan asserts it is near a deal with militants," read the front page of the April 25 edition of the *New York Times*. Pakistan's newly elected government was again on the verge of an accord with the militants running amok in the FATA—despite the new government's previously stated desires to move away from Musharraf's policies in those regions. Less than a week later, under the headline "Pakistan's planned accord with militants alarms U.S.," The *New York Times* reported that the Bush administration expressed concern that the new agreement could contribute to "further unraveling of security" in the region.

The arrangement was tailor made for bin Laden. It permitted the local Taliban group, Tehrik-e-Taliban, to assist in keeping law and order in the area known as Swat in the northwest frontier province—while not attacking the existing security forces—in return for an exchange of prisoners between the Pakistani Army and the Taliban. The Army also agreed to withdraw forces from parts of Swat. According to a report from the May 22 edition of The *New York Times*, the Bush Administration was concerned that the deal would "give the Taliban and Al Qaeda the latitude to carry out attacks against American and NATO forces in Afghanistan." Some U.S. officials even went so far as to call it a "victory" for bin Laden, as reported by ABC News. What else are we to assume, except that the climate in Pakistan may grow even more hospitable to al Qaeda?

In a refreshing opportunity free from the stock answers so often given by politicians, I was given the chance to interview Marcus Luttrell as part of my radio book club series in May 2008. He was the only survivor of Operation Red Wing, a mission that would result in the worst loss in Naval Seal history. He earned a Navy Cross for his valor and wrote about his harrowing story in The *New York Times*' best seller, *Lone Survivor*. Unlike most of the bureaucrats from Washington, who have only been able to offer me talking points from a failed policy, Luttrell gave a brutally honest account of the time he spent in the Hindu Kush, a mountainous area located just a few miles from the northwestern border of Pakistan. Luttrell described how his efforts were too often constricted by red tape.

"Yeah, we've got some problems with that border . . . because we'd be chasing the bad guys in there and they had a lot of security

set up and we have to stop what we're doing while they just run across and if we don't, we'll get engaged by the Paki border guards and that's an international incident."

Luttrell couldn't delve into the details of the prickly international problem that was created by the tension with the border guard, but when I asked him if the Pakistan issue was a problem in general, he wholeheartedly agreed.

"Hell yeah it's a problem. Heck, they're harboring the enemy. It's such a joke, it's so stupid. [T]hey come over and do their business, whatever is, and if it gets them in to trouble, all they have to do is sink back into Pakistan and stay there. They say, 'We're good here, we're good here' . . . It's frustrating."

Americans may be uncertain about which talking point of the day to believe on this issue, but I'm taking the word of a guy who saw the conditions first-hand. Marcus Luttrell and thousands of other men and women in uniform serve their country valiantly. Don't we owe it to them to aggressively pursue and kill the enemies that seek to destroy them?

Supporting the account of Marcus Luttrell is a chilling report released by the RAND Corporation, a think tank, on June 9, 2008. The report warned that the "United States and its NATO allies will face crippling long-term consequences in their effort to stabilize and rebuild Afghanistan" if it does not eliminate Taliban strongholds in Pakistan.

All of this while the presidential contenders and the Americans headed to the polls were mostly silent in the face of a seven year timeline moving in the wrong direction. For his part, Ayman al-Zawahiri was apparently so comfortable that he spent time logging into jihad chat rooms and attracting thousands of questions from the peon terrorists prepared to do his dirty work.

All of this drives me batshit, and it just might drive me into the Obama camp. That'd be quite a departure. I've been active in the Republican Party since I turned eighteen and registered to vote for Ronald Reagan in 1980. While a college undergraduate at Lehigh University, I did advance work for then Vice President George H.W. Bush. And soon after I graduated from law school at the University of Pennsylvania, Penn, he appointed me, at age 29, to run the Department of Housing and Urban Development in five states under the direction of Secretary Jack Kemp. I supported Bush 43 in both of his campaigns. Hell, in 2004, I MC'd his final Pennsylvania rally with 20,000 people in a suburban cornfield.

My frustration is so apparent that a fellow journalist from The Philadelphia Daily News has labeled me "fixated" with 9/11. At least I'm consistent. In 2004, I donated all of my proceeds from my first book, *Flying Blind: How Political Correctness Continues to Compromise Airline Safety Post 9/11*, to a memorial in Bucks County, Pennsylvania called the Garden of Reflection for Ground Zero victims. Many of my radio listeners bought that book. Now some of them pound out hatriotic emails to my website because, on the strength of this issue, I said Barack Obama was the better of the two Democrats in the Pennsylvania primary.

But frankly, I don't care.

The Bush Administration's failure to orchestrate a successful counter-terrorism plan—one topped off with justice for Osama bin Laden and Ayman al-Zawahiri—has left me embarrassed of my party and angry. The oft-repeated explanations of the search being nuanced or covering difficult terrain should have worn thin long ago.

Unfortunately, even after dangling my vote in front of Senator John McCain, the

nominee from my own party, he only offered a continuation of the Bush Administration's policy. In a conversation I had with the Senator on June 13, 2008, he first attempted to say that our counterterrorism efforts were working and that remaining on good terms with Pakistan was imperative to our safety.

"There has been progress in those areas. Pakistan is a sovereign nation and we have to have the cooperation of Pakistan in order to have these operations succeed. I don't have any classified information, but I do know that there are activities taking place that are intended to counter some of these activities, so all I want to say to you is that if you alienate Pakistan and it turns into an anti-American government, then you will have much greater difficulties."

Even when the Senator attempted to remind me of the fact that the United States also gives a great deal of money to Egypt, who, like Pakistan, could be more helpful in assisting the U.S. in the War on Terror, I pointed out to him that these guys aren't hiding in Cairo. The people responsible for the atrocities of 9/11 are concentrated in an area northwestern Pakistan, a fact which I repeated to the Senator. He then pointed out the historic difficulty with the region.

"I have promised that I will get Osama bin Laden when I am President of the United States, but . . . you can go on the internet, and look at that countryside, and there's a reason why it hasn't been governed since the days of Alexander the Great. They're ruled by about, it's my understanding, thirteen tribal entities, and nobody has ever governed them, not the Pakistani government, not the British—nobody, and so it's a very, very difficult part of the world." He added, "I agree with you that we should've gotten Osama bin Laden, but I can't put all of it at the doorstep of the Pakistani government."

I have a great deal of respect for the Senator, but I have a serious disagreement with him over this issue, something which I let him know would dramatically influence my vote in November. For the entirety of my interview, I tried to keep the Senator focused on Pakistan, and though he answered all of my questions, at the end of the interview, the Senator tried to insert his message of the day, which was about the Supreme Court ruling that granted habeas corpus rights to enemy combatants. When he did, I responded, "I hear you, and all I think is that the guys who sent those guys over here are still on the lamb and we're writing a big check, and I'm unhappy about it." To my disappointment, the Senator said the following, "Yes, sir, and I understand that, and if you let KSM, Khalid Sheikh Mohammad, and others go, they'll join them over there. Thirty guys, who have been released, have gone back to the battlefield." It wasn't the fact that he once again dodged my clear dissatisfaction with the Pakistan issue that left me dismayed—I've become quite used to it at this point; it was the fact that I clearly heard an aide mutter the line to him before he delivered it before me and my captive audience. The campaign clearly had a stock answer for me, an answer that I've heard before and have clearly rejected.

Put quite simply, the support for this failed policy is driving me to the edge of my long Republican career. And despite never pulling a lever for a Democratic presidential candidate, I believe the election this November will present the chance to relieve this country of the conventional wisdom that President Bush has offered for seven years and Senator McCain appears resigned to advance: That President Musharraf was a friend who did what he could to prevent Pakistan from defaulting towards further extremism; that the hunt for Osama bin Laden is nuanced and U.S. forces are doing everything they can to find him; and that the war



in Iraq is a necessary one that hasn't distracted from the fight against those who perpetrated and planned 9/11.

That wisdom has been proven unequivocally wrong.

The kicker? We, the tax payers, are footing the bill for this negligence. According to a June 25, 2008 article in *The Philadelphia Inquirer*, a GAO report showed that nearly two billion given in aid to Pakistan was spent improperly. The article states:

"For a large number of claims, Defense did not obtain sufficient documentation from Pakistan to verify that claimed costs were incremental, actually incurred or correctly calculated," the report concluded. 'It seems as though the Pakistani military went on a spending spree with American taxpayers' wallets and no one bothered to investigate the charges,' said Sen. Tom Harkin (D., Iowa), a member of the Senate Appropriations Committee. 'How hard would it have been to confirm that a road we paid \$15 million for was ever built?'"

The leaks about our Pakistani misadventures continued. It was reported in *The New York Times* on June 30, 2008 that the Bush Administration had created a secret plan in late 2007 to settle disagreements between counterterrorism agencies that were blocking the path of special ops forces into Pakistan. Months after the plan was developed, however, the special ops are still waiting, entangled in bureaucratic red tape. As these highly-trained soldiers, who should be on the prowl for Osama bin Laden, sit with their hands tied, al Qaeda's presence has grown. According to the *Times*:

"After the Sept. 11 attacks, President Bush committed the nation to a 'war on terrorism' and made the destruction of Mr. bin Laden's network the top priority of his presidency. But it is increasingly clear that the Bush administration will leave office with Al Qaeda having successfully relocated its base from Afghanistan to Pakistan's tribal areas, where it has rebuilt much of its ability to attack from the region and broadcast its messages to militants across the world."

In light of increasingly negative press about Afghanistan, both the Obama and McCain campaigns addressed the issue in foreign policy speeches on July 15, 2008. Senator Obama was first up to bat. Here's some of what he said:

"In the 18 months since the surge began, the situation in Afghanistan has deteriorated. June was our highest casualty month of the war. The Taliban has been on the offensive, even launching a brazen attack on one of our bases. Al Qaeda has a growing sanctuary in Pakistan. That is a consequence of our current strategy."

"In fact—as should have been apparent to President Bush and Senator McCain—the central front in the war on terror is not Iraq, and it never was. That's why the second goal of my new strategy will be taking the fight to al Qaeda in Afghanistan and Pakistan."

"It is unacceptable that almost seven years after nearly 3,000 Americans were killed on our soil, the terrorists who attacked us on 9/11 are still at large. Osama bin Laden and Ayman al-Zawahiri are recording messages to their followers and plotting more terror. The Taliban controls parts of Afghanistan. Al Qaeda has an expanding base in Pakistan that is probably no farther from their old Afghan sanctuary than a train ride from Washington to Philadelphia. If another attack on our homeland comes, it will likely come from the same region where 9/11 was planned. And yet today, we have five times more troops in Iraq than Afghanistan."

"The greatest threat to that security lies in the tribal regions of Pakistan, where terrorists train and insurgents strike into Af-

ghanistan. We cannot tolerate a terrorist sanctuary, and as President, I won't. We need a stronger and sustained partnership between Afghanistan, Pakistan and NATO to secure the border, to take out terrorist camps, and to crack down on cross-border insurgents. We need more troops, more helicopters, more satellites, more Predator drones in the Afghan border region. And we must make it clear that if Pakistan cannot or will not act, we will take out high-level terrorist targets like bin Laden if we have them in our sights."

"Make no mistake: we can't succeed in Afghanistan or secure our homeland unless we change our Pakistan policy. We must expect more of the Pakistani government, but we must offer more than a blank check to a General who has lost the confidence of his people. It's time to strengthen stability by standing up for the aspirations of the Pakistani people. That's why I'm cosponsoring a bill with Joe Biden and Richard Lugar to triple non-military aid to the Pakistani people and to sustain it for a decade, while ensuring that the military assistance we do provide is used to take the fight to the Taliban and al Qaeda. We must move beyond a purely military alliance built on convenience, or face mounting popular opposition in a nuclear-armed nation at the nexus of terror and radical Islam."

"Only a strong Pakistani democracy can help us move toward my third goal—securing all nuclear weapons and materials from terrorists and rogue states. One of the terrible ironies of the Iraq War is that President Bush used the threat of nuclear terrorism to invade a country that had no active nuclear program. But the fact that the President misled us into a misguided war doesn't diminish the threat of a terrorist with a weapon of mass destruction—in fact, it has only increased it."

Senator McCain offered a different view:

"A special focus of our regional strategy must be Pakistan, where terrorists today enjoy sanctuary. This must end. We must strengthen local tribes in the border areas who are willing to fight the foreign terrorists there—the strategy used successfully in Anbar and elsewhere in Iraq. We must convince Pakistanis that this is their war as much as it is ours. And we must empower the new civilian government of Pakistan to defeat radicalism with greater support for development, health, and education. Senator Obama has spoken in public about taking unilateral military action in Pakistan. In trying to sound tough, he has made it harder for the people whose support we most need to provide it. I will not bluster, and I will not make idle threats. But understand this: when I am commander-in-chief, there will be nowhere the terrorists can run, and nowhere they can hide."

My ranting and raving on this issue seems to have caught the attention of the national campaigns. In June 2008, the Obama campaign used my praise of the candidate to supplement their fact check section of the website on the Senator's quest to catch bin Laden.

It became apparent that the Obama campaign wasn't the only one to take notice; the interview I had done with Senator McCain in June 2008, and general ire with the Republican establishment on this issue, had obviously raised some red flags over at the campaign. On July 24, 2008, former Mayor Rudy Giuliani appeared on the program at his own request. Though I was thrilled to have Rudy back to the show, as he was my first choice out of the Republican presidential candidates, it was clear that he was sent as a surrogate of the McCain camp. Realizing this, I told Rudy exactly what was keeping me from enthusiastically supporting

McCain. Specifically, I referenced a story that had run in *The New York Times* that morning, describing the Bush Administration's plan to divert \$230 billion dollars in aid to Pakistan, which was intended to be used for a variety of military purposes. According to the *Times*, the money would be used for everything, "from counterterrorism programs to upgrading that country's aging F-16 attack planes, which Pakistan prizes more for their contribution to its military rivalry with India than for fighting insurgents along its Afghan border." In my opinion, it looked like we were continuing to fund a country that had already grossly mismanaged the effort to find bin Laden, and doing so while knowing that the funds would be used to embolden the Pakistani army with regard to the age-old conflict with India. When I asked the former Mayor how he, the leader most defined by the 9/11 attacks, could tolerate this sort of negligence, I ended my question by telling him that I thought we were getting "rolled." He agreed with my analysis at story's face value, but qualified his comments, "I don't know what the background of this one is. On the face of it, it makes no sense. Pakistan does not face an imminent threat from India. India is becoming a closer and closer ally. I think one of the good things the Bush Administration has done is really turned it to a very positive one, particularly with this deal regarding the use of fuel that can be used for nuclear reactors, but the only was this would make sense, is if it's part of an overall deal to get them to allow us the leeway [to get bin Laden] we were just talking about."

I agreed with his analysis of this one instance, but after a long train of abuses involving Pakistan, it's difficult to keep an open mind. No campaign will ever be able to convince me that we haven't dropped the ball in Pakistan, and have disgraced the memories of the 9/11 victims in doing so.

While candidates talk, the dismaying story continues. A recent report from *The New York Times* in July 2008 suggested that the C.I.A. might not even be receiving proper intelligence on the al Qaeda problem in Pakistan: "The C.I.A. has depended heavily on the ISI for information about militants in Pakistan, despite longstanding concerns about divided loyalties within the Pakistani spy service, which had close relations with the Taliban in Afghanistan before the Sept. 11 attacks. That ISI officers have maintained important ties to anti-American militants has been the subject of previous reports in *The New York Times*. But the C.I.A. and the Bush administration have generally sought to avoid criticism of Pakistan, which they regard as a crucial ally in the fight against terrorism." It was reported two days later that officers from this same intelligence service played a role in the bombing of the Indian embassy in Kabul, Afghanistan on July 7, 2008, which left fifty-four people dead.

Still not convinced that Pakistan is knowingly harboring the people working full-time to attack us? On August 12, 2008, Abu Saeed al-Masri, a senior al Qaeda commander was killed in an American air strike. Where? The border between Afghanistan and Pakistan, of course.

When President Musharraf resigned in August 2008 due to political pressure from lingering doubts as to his legitimacy from the previous election, President Bush offered undue praise for the former President. A statement said, "President Bush appreciates President Musharraf's efforts in the democratic transition of Pakistan as well as his commitment to fighting al Qaeda and extremist groups." Commitment? What a farce.

I say that because the weeks following Musharraf's resignation have already brought incremental changes in policy and

faint reasons for optimism. The Pakistani military spent most of August launching airstrikes against the Taliban militants attacking American forces from the fence straddling the Afghan-Pakistan border—an effort that resulted in more than 400 Taliban casualties and a shallow retreat by the terrorists. It's "shallow" because the Pakistani government followed up those airstrikes by declaring a ceasefire to coincide with the Muslim holy month of Ramadan. Legislators from the tribal areas promised political support for the top candidate in Pakistan's presidential election in exchange for the truce, which was announced in the days leading up to the country's vote.

Less than a week later, though, American forces finally showed signs of taking the matter of the central front of the war on terror into their own hands. A New York Times report indicated that U.S. special ops forces attacked al-Qaeda militants gathered in a Pakistani village called Jalal Khel. U.S. officials said the move might represent the early stages of a more dedicated and aggressive American presence in Pakistan in the wake of General Musharraf's resignation.

Don't get me wrong, a more sustained United States assault against the terrorists squatting in Pakistan is welcome news, and it signifies a more urgent effort to hunt down and snuff out the greatest threat to Americans' safety on our own shores.

But it's about 2,555 days late and \$11 billion short. Seven years after 9/11, the country is stoking what was supposed to be a complete and consuming "war on terror" with faint signs of a sustained operation in the country where the bad guys have been hiding for years.

How appalling. I doubt the families of the 3,000 innocents murdered on 9/11—and the 4,000 that followed them in Iraq—are content with it. After all, it's seven years, thousands of troops and billions of dollars later, and our country has failed to deliver on what we really owe them: Justice.

Nor have we answered the most important question pertaining to our nation's future: Can we really win this war with Islamic extremism? Because if we don't have the fire in our belly to defend the American troops stonewalled by the Afghan-Pakistani border; to hunt down and destroy the Taliban and al-Qaeda militants camping out on the other side of that border; and do everything we possibly can to capture and kill Osama bin Laden and Ayman al-Zawahiri, I fear we'll be left to deal with another fire—one raging in another building, burning a hole in another American city.

#### RENEWABLE ENERGY AND JOB CREATION ACT

Mr. WHITEHOUSE. Madam President, I rise to applaud the Senate's passage yesterday, as part of the so-called tax extenders legislation, of important tax provisions that will move our Nation toward a green economy. But I also would like to reiterate my support for our budget pay-as-you-go rule and to express my disappointment that a nonoffset version of the so-called alternative minimum tax, AMT, patch was part of the tax package the Senate passed.

With our national debt level at a record high, and growing by the day, responsible governing requires that we balance new spending and revenue reductions with decreased spending or revenue increases. I am proud to have supported Senator CONRAD's amend-

ment to the tax extenders package that would have provided for the extension of the AMT patch and other tax extenders on a fully offset basis. I also supported Senator CONRAD's effort to raise a point of order under the Senate rules against the extenders amendment which was not fully offset.

Although I strongly prefer Senator CONRAD's approach of abiding by our budget rules, I decided to support final passage of the partially offset tax package because of the many critical energy tax provisions in the bill. I have been a strong proponent of growing our green economy, which will both help us combat global climate change and encourage investment in new technologies that will create jobs and strengthen our position in the world economy. This tax extenders package includes extensions of incentives for renewable energy, such as wind, solar, and geothermal, and the extension of the research and development tax credit on which businesses in Rhode Island and across the Nation have come to depend. In addition, the legislation that we passed yesterday includes a mental health parity law long championed by Congressman PATRICK KENNEDY of my State of Rhode Island and his father, Senator EDWARD KENNEDY. This landmark provision will ensure that health insurers provide mental health patients with quality coverage and will go down as one of the signature accomplishments of this Congress. I want to take this opportunity to congratulate Congressman KENNEDY and the other architects of this important tax legislation.

#### HONORING OUR ARMED FORCES

CAPTAIN BRUCE E. HAYS

Mr. BARRASSO. Madam President, I rise today to pay tribute and express our Nation's sincere gratitude to a remarkable young soldier and his family. I was saddened to receive word that on September 17, 2008, Army CPT Bruce E. Hays of Cheyenne, WY, was killed in the line of duty while serving our country in the war on terrorism. Captain Hays died from injuries he sustained while supporting Operation Enduring Freedom when an improvised explosive device detonated near his vehicle in Gerdia Seria, Afghanistan.

Captain Hays first enlisted in the Army in 1984, and joined the Wyoming National Guard in 2000. He received his commission and became an officer later that year. He was a versatile soldier, commanding units ranging from field artillery to information technology. Captain Hays is remembered by his fellow Wyoming soldiers as an outstanding officer, commander and leader who was both loved and respected by his troops.

It is because of Bruce Hays and the blanket of freedom that he fought to provide that we sleep safely in our beds at night. The brave men and women of this Nation who answer the call to service and wear the uniform of the

Armed Forces deserve respect and recognition for the enormous burden that they willingly bear. They put their very lives on the line every day for their fellow countrymen. And because of them and their families, our Nation remains safe and free in the face of danger and those who seek to harm us.

Captain Hays represents the epitome of this selfless service to a cause greater than one's self. He was deployed as chief of an Embedded Training Team, charged with mentoring the Afghan police forces to defend the people of Afghanistan against terrorism. Laying aside his own self interest, Captain Hays gave his life in a far off land helping a fledgling democracy and a newly freed people to live the dreams that freedom and liberty bring.

In the book of John, Jesus said that, "Greater love has no man than this, that he lay his life down for his friend." CPT Bruce Hays gave his life, that last full measure of devotion, for you, me, and every single American. He gave his life defending his country and its people, and we honor him for this selfless sacrifice. And there are no words to express the profound gratitude that our Nation owes this brave soldier and his family.

Captain Hays is survived by a loving family including his wife Marie and their children, Bethany, Eleanor, John, Alfonso, and Genevieve, and his parents Barbara and Leonard. He is also survived by his brothers and sisters in arms of the Wyoming National Guard and the U.S. Army. We say goodbye to a devoted family man and an American citizen soldier. Our Nation pays its deepest respect to CPT Bruce E. Hays for his courage, his love of country and his sacrifice, so that we may remain free. He was a hero in life and will remain so in death. All of Wyoming, and indeed the entire Nation, is proud of him. May God bless him and his family, and greet him with open arms.

STAFF SERGEANT NATHAN M. COX.

Mr. GRASSLEY. Madam President, I rise today to honor SSgt Nathan M. Cox who was killed on September 20, 2008 in Korengal Valley, Afghanistan. Staff Sergeant Cox was serving with B Company, 1st Battalion, 26th Infantry Regiment, 1st Infantry Division, out of Fort Hood, TX, and died following the injuries that he sustained after his vehicle encountered an improvised exploding device by the roadside. I would like to express my condolences to Nathan's friends and family, in particular Nathan's parents Jane and Leslie, wife Annie, and 5-year-old daughter Sophia. They are in my thoughts and prayers.

Staff Sergeant Cox was deployed to Afghanistan in July of this year, having spent a year in Iraq prior to his arrival in Afghanistan. He had attended Davenport Central High School in Davenport, IA, and enlisted in the Army straight after leaving high school. Nathan spent 3 years in Bosnia during the mid 1990s. Then, in 2005, at age 29, he re-entered the Army to make it his career. Nathan made the ultimate sacrifice defending the country and the

people that he loved, so that those of us back home can enjoy safety and freedom. His bravery and the bravery of all of his comrades will never be forgotten by a grateful nation.

Jane Cox, Nathan's mother, said that Nathan was very interested in foreign affairs and hence chose the Army to utilize his talents. She added that Nathan had finally come to terms with his "gift of being a leader." People who knew him describe a man with a great sense of humor who always looked on the bright side of everything. It is during these times of uncertainty abroad and at home that we look to the examples set by people like Staff Sergeant Cox, who carry out their duty in a way that is both courageous and honorable. I know that Nathan did not die in vain, but his tremendous sacrifice has helped to secure peace and freedom for the United States and our allies around the world.

#### U.S. MARSHALS SERVICE ANNIVERSARY

Mr. MARTINEZ. Madam President, for 219 years, the U.S. Marshals Service has helped to bring some of America's worst criminals to justice, and our Nation is a safer place because of their service. On their anniversary, I would like to offer my many thanks for their commitment to upholding the rule of law and their willingness to protect and serve Americans.

During their 219 years of service, the marshals have executed warrants, distributed Presidential proclamations, registered enemy aliens in a time of war, and helped conduct the national census. They have also ensured the safe conduct of judicial proceedings and protected Federal judges and jurors and other members of the Federal judiciary.

They lead the Witness Security Program; serving nearly 18,000 Government witnesses and their family members whose lives are in danger as a result of the witnesses' testimony against gangs, drug traffickers, terrorists, organized crime members, and other criminals.

Recently, the State of Florida enlisted the marshals' services to help combat rising instances of violent crime. During the 3-month effort, known as Operation Orange Crush, the Marshals' Regional Fugitive Task Force was responsible for arresting more than 2,400 violent criminal fugitives in Florida. The operation was an overwhelming success, and Florida is grateful for the men and women of the U.S. Marshals Service for helping to make it possible. I would like to offer my special thanks to a few of the officials who made Operation Orange Crush so successful: U.S. Marshal Service Director John F. Clark; U.S. Marshal for the Northern District of Florida, Dennis A. Williamson; U.S. Marshal for the Middle District of Florida Thomas D. Hurlburt, Jr.; and U.S. Marshal for the Southern District of Florida Christina Pharo.

As Americans, we are fortunate to have such a highly specialized law enforcement agency dedicated to protecting our personal freedoms and keeping criminals behind bars. I offer my heartiest congratulations to the U.S. Marshals Service on 219 good years and wish for many more to come.

#### TRIBUTE TO ASHLEY BROST

Mr. THUNE. Madam President, today I rise to recognize Ashley Brost, an intern in my Washington, DC, office, for all of the hard work she has done for me, my staff, and the State of South Dakota over the past several months.

Ashley is a graduate of Lincoln High School in Sioux Falls, SD, and of Augustana College, where she majored in sociology. Currently, she is attending the University of South Dakota. She is a hard worker who has been dedicated to getting the most out of her internship experience.

I would like to extend my sincere thanks and appreciation to Ashley for all of the fine work she has done and wish her continued success in the years to come.

#### TRIBUTE TO JENNIFER FIERRO

Mr. THUNE. Madam President, today I rise to recognize Jennifer Fierro, an intern in my Washington, DC, office, for all of the hard work she has done for me, my staff, and the State of South Dakota over the past several months.

Jennifer was home schooled in Santa Ana, CA, and graduated from the University of South Dakota, where she majored in Spanish. She is a hard worker who has been dedicated to getting the most out of her internship experience.

I would like to extend my sincere thanks and appreciation to Jennifer for all of the fine work she has done and wish her continued success in the years to come.

#### TRIBUTE TO JESSIE MILSTEAD

Mr. THUNE. Madam President, today I rise to recognize Jessie Milstead, an intern in my Washington, DC office, for all of the hard work she has done for me, my staff, and the State of South Dakota over the past several months.

Jessie is a graduate of West Central High School in Hartford, SD, and in the spring, she will attend Northwestern College in Minnesota. She is a hard worker who has been dedicated to getting the most out of her internship experience.

I would like to extend my sincere thanks and appreciation to Jessie for all of the fine work she has done and wish her continued success in the years to come.

#### IDAHOANS SPEAK OUT ON HIGH ENERGY PRICES

Mr. CRAPO. Madam 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 well over 1,000, are heart-breaking and touching. To respect their efforts, I am submitting every e-mail sent to me through an address set up specifically for this purpose 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:

It is a relief to finally see someone in our legislation coming to the people for their input! I am currently serving in the USAF, stationed at Mountain Home AFB. I work in Flying Ops. I put about 35 miles a day on my vehicle, just coming to and going home from work. The base itself is ten miles away from town; my house, about 15 miles away from the base. The average price for a gallon of unleaded here is about \$4.09. The base has up until now been able to keep its gas prices under \$4, but finally hit it this past Monday. I drive a 4-cylinder VW Jetta, with a 14-gallon tank and it costs me \$46 to fill it up. I find myself only driving to and from work, as I do not feel like I can afford to drive anywhere else, which is a bummer as Mountain Home's resources are low and if I need something that I cannot find at Wal-Mart (like clothes and shoes for my infant daughter), I have to drive to Boise to get those, or home improvement material, or clothing for myself. I also find my grocery bill skyrocketing. I used to be able to spend \$150 and get food for two weeks. I now find that \$150 lasts me about a week, which is unacceptable. I am putting so much money towards the necessities that I hardly do any of the niceties anymore. My husband has parked his truck in favor of driving his motorcycle to work everyday to save us money, and we are selling our boat as it just costs way too much to fill it up, and the truck to tow the boat to any lake. So, in the end, energy costs have driven me to only drive to and from work, sell my boat, park my truck, and spend a ridiculous amount of money on food. Thanks for your time.

JESSICA, Mountain Home.

Thank you for this opportunity to express my concerns regarding the escalating price of living in Idaho due in large part to the ever increasing cost of energy.

I work for Alaska Airlines in Boise, Idaho. My gas bill to cover my commute has gone from \$100 to \$300 per month. Our industry has been heavily affected by the obscene rise in the cost of aviation fuel. Alaska Air is a profitable business. They've worked very hard at putting a lot of cash in the bank. They never just spent their way into bankruptcy, then emerged a few years later with all of their debts relieved.

Today, in order to stay alive, in addition to raising air fares and reducing routes, they have to charge seemingly ridiculous charges for the ordinary services associated with travel. And still the cost of fuel rises. Just today we received the "second" corporate letter, advising us that Alaska Airlines is doing all it possibly can to reduce costs, that

each of us needs to be conscious of everything we do and be as profitable as we can with each service we provide. I work in a call center. Are those the voices of [foreign] call center agents I hear at Alaska Airline's front door? Not only are some of the finest American customer service agents in danger of losing our jobs, but the least respected of all call center personnel will smudge the heretofore finest airline service in the world.

I have read that you have worked on alternative fuel development. This is a fine aspiration, but with what result? At present, alternative fuels cannot even begin to touch the huge volume it would take to replace gas and oil energy. And, as a result of corn-based fuels, corn-based commodities around the world have also escalated in price. Cereal, tortillas, breads, dog food, chicken and beef feed, the list goes on, are all affected by increased prices I pay every day. And in Third World countries, where such commodities are staples, people are facing shortages and starvation. When the farmer cannot afford to cultivate his crops, the trucker cannot afford to pick up the crops and bring them to market, and the market has to raise the prices of staples, how far behind are we from becoming a society of haves and have-nots?

For far too long now, we have let the environmental movement intimidate our energy policy in this country. It started with a little bit of this and that. We stopped drilling for oil and gas off our scenic coasts and large inland tracts of land deemed environmentally sensitive. We stopped approving refineries and thereby reduced our domestic supplies of fuel, relying instead on ever-increasing foreign sources. One of the biggest environmental accidents happened near Valdez, Alaska. Environmentalists blamed big oil. Ironically, the oil spilled was imported from the Middle East. Accompanying all this was the slow rise in the price consumers pay to run their cars and heat their homes.

Our government has played both side of the aisle with CAFE standards that have not improved gas mileage so much as to drive the price of cars to the same price as a good house in the 1960s. Regulations have driven refineries to further increase the price of fuel required to manufacture multiple blends. All of these products are heavily taxed by our government. If the oil companies are accused of making obscene profits, then can we not say the same about the never-mentioned windfall profits that our federal government collects?

What would I do? I would ask you to start plans to find and develop our best sources of domestic oil and natural gas resources. I would ask you to find places in this country that would just love to refine petroleum and encourage their communities to do so with plenty of tax incentives. Just getting the plans on the board would burst this bubble of inflationary speculation. (These suggestions, if started today would take at least ten years to get up and running).

I would also ask that we start plans to build safe and efficient nuclear power plants. France and Germany possess marvelous examples we can emulate and exceed. And standardize the plan designs. Multiple designs in the past really bloated the cost of construction. And further, we need to fend off the environmentalist's incessant legal maneuvering that have historically subverted and inflated the price of energy development.

Well, this is more than two paragraphs. But it contains in my opinion, the elements we need to address today and with haste.

ROBERT, Boise.

I am writing to you in response to your newsletter about high energy prices and how

that affects the people of Idaho. You have requested me to share my story about how high energy prices are affecting me personally.

I am more than happy to share with you my sufferings as an Idahoan in light of the increased speculative energy prices that we, as a nation, are facing. It has not been easy, as I am sure can be difficult for some people who make far more money and have more influence to understand. Month after month we Americans have been struggling to make ends meet in this day and time where our nation has been faced by higher energy costs based off of speculative markets, and foreign energy needs. Never in our recent past has our government set us up for failure as a nation to be more independent on the energy needs of our country. Now we are paying the price for turning a blind eye to a growing energy problem and possibly inappropriate relationships and deals with companies and foreign nations. Never before in American history does it make better sense for us to look at new energy supplies, increase energy efficiency, and break our dependence on foreign oil. There are many different renewable resources to concentrate on, many of which (with government backing and subsidies) would allow us as individuals to incorporate our own energy needs with energy supplies that we can create on an individual basis. I am talking about solar power, wind power, hydro electricity (on a very small scale of course). Not only by allowing individual Americans cheaper more realistic options for creating our own energy would we really grasp the amount of independent energy we could create. This has yet to happen, as time and time again, [partisan politicians] shoot down solar energy bills, renewable resources options, and energy tax benefit programs. I base this solely off of the ignorance of the [party-line politics], especially considering I have written to [my congressional representatives and] all of my other government officials pleading for you to break from [partisanship] to help alleviate our dependence on foreign energy suppliers.

To make matters worse for me and fellow Idahoans, you and Larry Craig are now working hard to make our state available to nuclear power. This is not help, in my honest opinion. You call it a renewable energy resource; I call it ignorant energy band aid that carry very long term affects. We Idahoans do not and never did want our state to become the nation's nuclear dumping ground. Yet, you officials continue to make our lands available for the spent nuclear energy of other states, and now other nations. Also, you are opening the doors to corporate entities that want to take advantage of our weak state policies so that they can create nuclear facilities in Idaho that will not even be supplying Idahoans with such said energy.

So, again, you ask me how the today's energy crisis is affecting the people that put you in office. I tell you it is affecting me in the pocket book, in my personal values and beliefs of renewable energy options, and now you are allowing it to affect the land that I love so much—the good state of Idaho.

If you really want to help, then I suggest that you stand up for the people [who] voted for you. [I would ask that you find ways to] build our options away from foreign energy dependence, and give us more renewable energy options. I implore you to stand up for our state, and help us protect ourselves from corporate greed and nuclear mistakes by protecting the lands we love, and keep them from having half-life pollution dumped on them.

ANDREW.

I am a LT in the U.S. Navy stationed in Cape Canaveral, FL. I have been in the Navy

for 18 years and claim Nampa as my home of record. My parents still live in Nampa and are retired. The ever-rising fuel costs over the last few years have not only produced a dramatic impact on my day-to-day living activities, but those of my parents' and other family members as well who live in Idaho.

I have been driving the same vehicle over eight years and am currently spending approximately \$500/month in fuel for my vehicle alone. My wife spends almost \$350/month in her vehicle. These costs are almost exclusively utilized for commuting to and from work. We go to the grocery store once every two weeks, and hardly ever go out anymore. I estimate from one year ago a rise of at least \$250/month, and probably \$400/month from two years ago in gasoline spending. To put this into perspective, that is an estimated \$3,000 annually. It does not take a brain surgeon to figure out that my cost of living increase of about \$100/month does not even come close to making up the difference. Not to mention the dramatic rise in food costs we have experienced over the last year (and we even have the privilege of shopping at the commissary). Add to that the drastic loss of equity in my home (almost \$100k in two years) because of the housing market here in central Florida, and you begin to get a good feeling of how the little guy feels.

Now, I have proudly served my country for almost two decades, have contributed significantly to bettering our world and saving money at the same time. (I recently developed and implemented a continuous improvement project here at the Navy Port in Cape Canaveral that saves the taxpayers approximately \$300,000 annually!). My question to you, ladies and gentlemen, is what are you doing to help me out in this time of crisis!! Thank you for your attention.

JOSH, Nampa.

We are happy to hear that President Bush has opened our water borders for oil drilling. Now we need the rest of those places that have oil to be opened to drilling! It is late to be doing such but totally necessary. For the protection of our country, we need to have energy to survive! Many around use are using bicycles to get around or walking. My health is not good enough to do that although I am going to work in that direction. We also need trails where battery golf carts, etc., can maneuver around for the sake of the older generation. Our family has to travel to work so they still have to drive. Please encourage President Bush and the Congress to open all areas with oil for drilling and also point the nation toward many other possibilities for other energy fuels.

ART and LYNN, Nampa.

Actually, I do not agree with your stance on this, at all. The cost of not protecting the environment will far outweigh the costs of increased gas/oil prices. I do not know about you, but I would actually like our children to have a world to live in, even if that means I pay for that right now. I would rather see our government invest in new energy technology, cleaner sources of fuels, mass transit, bicycle lanes to encourage safe bike commuting, etc rather than drill in ANWR and keep taxes on gas down.

I have yet to understand the conservative view of supporting oil drilling at the expense of supporting other industries. There is a fortune to be made in developing technologies designed to clean the environment rather than foul it. The U.S. is losing jobs and revenues every year to other countries in old industries. Our strength as a nation has long been in developing brand-new industries. Why not encourage that now? Why not invest in a new biofuel technology like algae farms? Why not invest in companies developing ways to clean smokestack exhaust?

Why not invest in river clean-up processes? Whether we want to admit it or not, these are the types of technologies that will be America's future. We should be embracing them, not suffocating them by limiting research dollars.

Unfortunately, as fledgling industries, they do not have the voice that large, highly profitable industries like oil and gas, do and thus they do not hold as much political influence. It is truly a shame that our country has devolved to such a base motivation as this.

I respect and admire your concern for the economic impact rising gas prices are having on individual families in Idaho. And I understand that if you do not work to protect you constituents they will elect someone who will. But there comes a point at which our elected officials need to act in our long term best interests even if it means short term sacrifices by the people. If doing so costs a politician their seat in the next election, they'll still be able to take much pride in having done the right thing, for the right reasons.

When do you reach that point? What issue gets you there?

CHRIS.

This is not about how energy prices affect my standard of living, but how it affects the standard of living of everyone. We are about to lose many jobs because of high energy prices. The high price of natural gas is going to close down many industries that use large quantities. The impact on Americans lives will be lot worse than \$4 gasoline. We are on the edge of a depression if we lose as many jobs as I think we might.

Congress needs to immediately lease offshore tracts off Florida, and the east coast. Open up offshore California. Get the Alaska pipeline going. That alone can provide 10% of our nation's natural gas needs. Reinvent the nuclear industry. Financially sponsor a reference nuclear generating plant so that future developers will know the costs. The costs are so uncertain that everyone is afraid of the risk. We need to produce electricity with coal and nuclear not natural gas. Remember, in the 1970s, it was unlawful to construct new natural gas fired power plants because Congress deemed it a waste of the resource.

Once we have a stable supply of natural gas encourage it is use as a transportation fuel. Honda makes a Compressed Natural Gas Civic, and I saw one at the Honda dealer in California last week. It is a great car for certain people. We do not have one public CNG filling station in Idaho.

By developing our own resources natural gas, oil shale, coal, and nuclear, we can quit sending billions of dollars to the Middle East and create good jobs for Americans.

Forget alternative energy sources for the time being. It is a distraction from the emergency we are now facing. Focus on the immediate need to save jobs. If Congress does not quickly declare a National Emergency and allow more energy development by cutting through the regulatory processes for permits and opening up more areas for drilling we face economic collapse.

Please try to get Congress to quit grandstanding and work on real solutions. Having oil companies CEOs testify about their compensation packages when the details are already in the public record is pure grandstanding, a disgrace and does nothing to help Americans.

Read The Bottomless Well by Peter Huber and Mark Mills.

TYLER.

## ADDITIONAL STATEMENTS

### RECOGNIZING THE BENJAMIN ROSE INSTITUTE

• Mr. BROWN. Madam President, I congratulate the Benjamin Rose Institute on its 100th anniversary, an exciting milestone for this Northeast Ohio organization.

Established in 1908 with money donated by Cleveland industrialist Benjamin Rose, the institute has worked to advance the health, independence, and dignity of older adults by raising the standards of elder care.

Over its 100-year history, the institute has provided counseling and home care to those older Americans suffering from mental and physical illnesses; offered companionship, housing, and social workers to seniors in need; pursued research on applied gerontology; and advocated for the elderly at the local, state, and national levels of government.

In the days before Social Security, the Benjamin Rose Institute provided pensions to older adults who needed help staying in their homes and keeping food on their tables. And starting in the 1940s, the Benjamin Rose Institute began running group homes and, later, nursing homes, for seniors unable to live independently.

Over the years, tens of thousands of Ohioans living in the Cleveland area have been touched by the institute's work and have come to realize the critical role the institute plays in their community.

I commend the Benjamin Rose Institute for a century of charitable work on behalf of older Ohioans.●

### REMEMBERING MARY JANE FISHER

• Mr. CARDIN. Madam President, I wish to commemorate the wonderful life of my friend, Mary Jane Fisher, a greatly admired journalist and publicist who passed away last Sunday, September 14, in Washington, DC, at the age of 90.

Mary Jane was a dear friend whose life experiences were as varied as the people who knew and loved her. From 1976 to 2001, Mary Jane worked as the Washington correspondent for the National Underwriter, a publisher of insurance and financial services trade publications. Mrs. Fisher, who reported and wrote weekly columns for the company's property and casualty and health and life editions, was a well-known figure on Capitol Hill reporting on insurance activities. She was a frequent presence at hearings in the Ways and Means Committee, where I served for many of those years, and interviewed me often on health care and insurance matters.

A former National Underwriter editor once referred to Mary Jane as the "Helen Thomas" of the insurance trade press. Mrs. Fisher had seen Presidents, Senators, Representatives, lobbyists,

and reporters come and go during her more than three decades of covering insurance issues in Washington. If a congressional committee debated legislation involving pensions, retirement issues or health insurance, you could count on seeing her at the press table.

During one particularly memorable Ways and Means hearing on Medicare prescription drug coverage, I watched from the dais as she beamed with pride. Sitting next to her on one side was her daughter, Susan, who has been my communications director for 22 years, and on the other sat her granddaughter Jennifer, who interned in the Ways and Means Democratic press office that summer.

Her storied career, however, began on the west coast. Born Mary Jane Johnson in Berkeley, CA, on December 31, 1917, she was raised in Seattle, WA. Mrs. Fisher graduated from Franklin High School in 1935 and attended the University of Washington, where she earned a bachelor's degree in journalism in 1939. After college, she worked as a reporter and editor for the Seattle Times, the Seattle Post-Intelligencer, and the Coos Bay World. In addition to reporting and editing in Coos Bay, in her spare time, Mrs. Fisher also served as forest fire spotter, looking for fires started by Japanese incendiary devices that had been carried across the Pacific via weather balloons.

Mary Jane, as a lieutenant in the Waves in World War II from December 1942 until January 1946, served as a public information officer at the Sand Point Naval Air Station in Seattle. In 1946, she was assigned to the staff handling publicity at the very first meeting of the United Nations in San Francisco.

In 1946, after a whirlwind courtship of several weeks, she married Joel H. Fisher, a Washington attorney, who was then an assistant solicitor in the Commerce Department. They were married in Des Moines, IA, and Commerce Secretary Henry Wallace served as the best man. When her husband became the European counsel for the American Joint Distribution Committee, Mrs. Fisher moved to Paris, where she befriended Alice B. Toklas, a fellow Seattle native.

In 1950, pregnant with twins, Mrs. Fisher returned to the U.S. and settled in Washington, DC. After the birth of her children, Susan and John, she worked on Capitol Hill for 3 years as a staffer for Representative Don Magnuson of Washington State. Later, as a free-lance publicist, she represented the National Ballet, the Institute of Contemporary Arts, and the National Symphony Orchestra, NSO, among many other organizations, and served as the NSO's public relations director.

From 1962 until 1968, she worked as a speechwriter in the Commerce Department and in the summer of 1968, she served as press secretary to India Edwards, the special assistant to DNC Chairman John Bailey, and helped handle press for the Democratic National

Convention in Chicago. In the late 1960s, as a free-lance journalist, she saw several of her articles published in *The Washington Star*.

A long-time resident of Washington's Cleveland Park neighborhood, Mrs. Fisher was member of the National Press Club, the Women's National Press Club, the American Newspaper Women's Club, Mortar Board, and Theta Sigma Phi, a journalism and communications professional organization.

From Washington State to Washington, DC, from Paris to Chicago to the Halls of Congress and the National Press Club, Mary Jane Fisher was an admired and respected journalist. She approached every assignment with enthusiasm and determination to get the story right. I will miss my conversations with her, and I am certain that sentiment is echoed by hundreds across the Nation this week as we remember her, and offer our heartfelt condolences to her daughter Susan, her son John, son-in-law Brian, and granddaughters Jennifer and Karen.●

#### 125TH ANNIVERSARY OF SHEYENNE, NORTH DAKOTA

● Mr. CONRAD. Madam President, I am pleased to honor a community in North Dakota that recently celebrated its 125th anniversary. From July 4 to July 6, the residents of Sheyenne gathered to celebrate their community and its historic founding.

Sheyenne is located in Eddy County. The name is said to have come from the Cheyenne Indian Tribe; however, it was misspelled by the area's first explorers and hasn't been changed since. The town was inhabited in 1885 by Clarence E. Bennett and then formally platted in 1892 under the jurisdiction of J.W. Richter. The Richter family built the first store and elevator on what is now Main Street. Sheyenne began as a large wheat growing community and slowly evolved into a small business community with the expansion of the railroad and increased numbers of settlers. The nearby Sheyenne River served as a constant source of food and other goods throughout its development.

As my colleagues know, the Great Depression left no community in the Midwest unaffected. Sheyenne suffered greatly as an agriculture community, but—as they had done during World War I and the influenza epidemic—citizens helped one another and fought through all of the hardships.

Today, Sheyenne is home to Hendrickson Park, the Log Cabin Museum, and the Warsing Dam. Volumes of the "Shining Star" Sheyenne Newspaper dating back to 1897 can be found at the Log Cabin Museum. Outdoorsmen can catch anything from a largemouth bass to yellow perch along the banks of the Warsing Dam. Camping, hiking, and biking are also popular activities in this area.

The celebration of 125 years as a community was nothing short of spectac-

ular. Sheyenne had an all-school reunion, a parade, a BBQ dinner, a Bull-a-Rama, and memorable fireworks to top it off. The community also honored the newly remodeled and expanded Equity Elevator that has been in operation since 1910. This was truly a celebration unlike any other.

Madam President, I ask the Senate to join me in congratulating Sheyenne, ND, and its residents on their 125th anniversary and in wishing them well for the future. By honoring Sheyenne and all other small historic towns of North Dakota, we keep the pioneering, frontier spirit alive for future generations. It is places such as Sheyenne that have helped to shape this country into what it is today, which is why this fine community is deserving of our recognition.

Sheyenne has a proud past and a bright future.●

#### 125TH ANNIVERSARY OF DAZEY, NORTH DAKOTA

● Mr. CONRAD. Madam President, I am pleased to honor a community in North Dakota that recently celebrated its 125th anniversary. From July 18 to July 20, the residents of Dazey gathered to celebrate their community and its historic founding.

Dazey is located in Barnes County. It is proudly named after the famous playwright C.T. Dazey. Classic plays such as "In Old Kentucky" and "Abie's Irish Rose" were written by C.T. and performed on Broadway during the turn of the 20th century. C.T. Dazey purchased land from the Mack Brothers and donated half of it to the Northern Pacific Railroad to build a new town with the agreement that it would be named after him.

World War I sparked life in Dazey giving this "boom town" energy to build houses, hotels, banks, churches, a newspaper company, and a post office. The first baseball team in Dazey was put in motion in 1888; it played its first game against the neighboring township of Getchell. Dazey was a thriving community until the Depression. Despite hard times, Dazey hung on and began to grow again. Today, homes are being built and community members have restored the great atmosphere in charming Dazey.

The city's 125th anniversary celebration kicked off with an all-school alumni banquet and karaoke dance. The celebration continued into the weekend and included a parade, a play, a tractor pull, a buffalo feed, and a North Dakota mysteries and oddities museum. There was the popular "mud run" as well as a play at the Dazey theatre titled "Stop the Villain." It was an event that will be remembered by these residents and visitors for years to come.

Madam President, I ask the Senate to join me in congratulating Dazey, ND, and its residents on their 125th anniversary and in wishing them well for the future. By honoring Dazey and all other small historic towns of North Da-

kota, we keep the pioneering, frontier spirit alive for future generations. It is places such as Dazey that have helped to shape this country into what it is today, which is why this fine community is deserving of our recognition.

Dazey has a proud past and a bright future.●

#### 125TH ANNIVERSARY OF CHRISTINE, NORTH DAKOTA

● Mr. CONRAD. Madam President, I am pleased to honor a community in North Dakota that recently celebrated its 125th anniversary. On July 26, the residents of Christine gathered to celebrate their community's history and founding.

Christine is a small town located in Richland County in southeastern North Dakota between the Red River and Wild Rice River. The post office was established November 17, 1884, in the general store owned by John Munger. Settled by Scandinavians, Christine was named for the Swedish operatic soprano, Christine Nilsson. The Chicago, Milwaukee and St. Paul Railroad built a depot at Christine in 1886.

Today, Christine remains a proud community that has a prosperous economy consisting of farming. The Christine community center is a valuable asset that provides a place for the citizens to gather. Residents of Christine are known for their honesty, strong work ethic, and living off the land.

The community had a wonderful weekend celebration to commemorate its 125th anniversary. Residents began the celebration with a breakfast served by Christine Church at the community center. There was also a parade, a carnival, a presentation of Christine's history, and a dedication of the community center. The evening ended with a city meal and dance with music from the Plow Boys.

Madam President, I ask the Senate to join me in congratulating Christine, ND, and its residents on their 125th anniversary and in wishing them well in the future. By honoring Christine and all the other historic towns of North Dakota, we keep the pioneering frontier spirit alive for future generations. It is places such as Christine that have helped shape this country into what it is today, which is why this community is deserving of our recognition.

Christine has a proud past and a bright future.●

#### TRIBUTE TO STEWART PORTELA

● Mr. CRAPO. Madam President, it is an honor for me to recognize a man who has made it his life's work to recognize the contributions of Idaho veterans and educate the next generation of Idahoans about the sacrifices made by those who have fought for our great Nation. Stewart Portela, a teacher at Firth High School, is the author of three books on Idaho veterans. He has arranged no fewer than eight student tours back here to Washington, DC,



and to area Civil War battlefields himself, in order to make the trip more affordable for his students. He accompanies his students on these educational tours. He has held graduation ceremonies in conjunction with the Firth High School graduation ceremonies to graduate local veterans who enlisted in the military prior to graduating from high school. Named "Operation Veteran," this idea has spread to at least 10 neighboring high schools.

Stewart is responsible for the display of photos of all the local veterans in the high school hallways, complete with unit designation, years, branch, and wars. There are over 200 veterans whose photos are displayed at Firth High School. He conducts the Veterans Day program at the high school every year. In 2007, 87 veterans and 600 people from the local community attended the ceremony.

As a teacher, Stewart brings history to life. With close to 40 students in his military history class every year, Stewart is proud to be able to share experiences firsthand with them, like earlier this year when an 87-year-old veteran who served aboard the USS *Pennsylvania* at Pearl Harbor on December 7, 1941, told his story to Stewart's class. In fact, Stewart's extraordinary efforts were recently rewarded when he was honored as one of three Idaho recipients of the Veterans of Foreign Wars Idaho Teacher of the Year for 2007-2008.

Stewart has been the featured speaker at more than 40 veterans, civic, or church groups, talking about veterans and their influence on our Nation. He has devoted many years, much energy, and great passion to remind us, young and old, that freedom is not free and that those who have made tremendous sacrifices for our freedom are a heart-felt thank-you away.

I am glad to recognize and thank Stewart for his ongoing contributions to inspire patriotism, recognize veterans, and promote the civic education of our children.●

#### ADEL-DESOTO-MINBURN COMMUNITY EDUCATION

● Mr. HARKIN. Madam President, in Iowa and across the United States, a new school year has begun. As you know, Iowa public schools have an excellent reputation nationwide, and Iowa students' test scores are among the highest in the Nation.

I would like to take just a few minutes, today, to salute the dedicated teachers, administrators, and school board members in the Adel-DeSoto-Minburn Community School District, and to report on their participation in a unique Federal partnership to repair and modernize school facilities.

This fall marks the 10th year of the Iowa Demonstration Construction Grant Program. That is its formal name, but it is better known among educators in Iowa as the program of Harkin grants for Iowa public schools.

Since 1998, I have been fortunate to secure a total of \$121 million for the State government in Iowa, which selects worthy school districts to receive these grants for a range of renovation and repair efforts everything from updating fire safety systems to building new schools or renovating existing facilities. In many cases, this Federal funding is used to leverage public and/or private local funding, so it often has a tremendous multiplier effect in a local school district.

The Adel-DeSoto-Minburn Community School District received a 2003 Harkin grant totaling \$454,290 which it used to help build an addition to Adel Primary School and to renovate classrooms in the building. This school is a modern, state-of-the-art facility that befits the educational ambitions and excellence of this school district. Indeed, it is the kind of school facility that every child in America deserves. The district also received a 1999 fire safety grant for \$75,000 to make fire system, exit lighting and electrical improvements in the district.

Excellent schools do not just pop up like mushrooms after a rain. They are the product of vision, leadership, persistence, and a tremendous amount of collaboration among local officials and concerned citizens. I salute the entire staff, administration, and governance in the Adel-DeSoto-Minburn Community School District. In particular, I would like to recognize the leadership of the board of education—president Tim Canney, vice president Kim Roby, Sally Bird, Jen Heins and Steve Meyer and former board members Pat Steele, Darrell Weems and Paula James. I would also like to recognize superintendent Greg Dufoe and former superintendent Timothy Hoffman.

As we mark the 10th anniversary of the Harkin school grant program in Iowa, I am obliged to point out that many thousands of school buildings and facilities across the United States are in dire need of renovation or replacement. In my State of Iowa alone, according to a recent study, some 79 percent of public schools need to be upgraded or repaired. The harsh reality is that the average age of school buildings in the United States is nearly 50 years.

Too often, our children visit ultra-modern shopping malls and gleaming sports arenas on weekends, but during the week go to school in rundown or antiquated facilities. This sends exactly the wrong message to our young people about our priorities. We have to do better.

That is why I am deeply grateful to the professionals and parents in the Adel-DeSoto-Minburn Community School District. There is no question that a quality public education for every child is a top priority in that community. I salute them, and wish them a very successful new school year.●

#### CENTER POINT-URBANA COMMUNITY EDUCATION

● Mr. HARKIN. Madam President, in Iowa and across the United States, a new school year has begun. As you know, Iowa public schools have an excellent reputation nationwide, and Iowa students' test scores are among the highest in the Nation.

I would like to take just a few minutes, today, to salute the dedicated teachers, administrators, and school board members in the Center Point-Urbana Community School District, and to report on their participation in a unique Federal partnership to repair and modernize school facilities.

This fall marks the 10th year of the Iowa Demonstration Construction Grant Program. That is its formal name, but it is better known among educators in Iowa as the program of Harkin grants for Iowa public schools. Since 1998, I have been fortunate to secure a total of \$121 million for the State government in Iowa, which selects worthy school districts to receive these grants for a range of renovation and repair efforts—everything from updating fire safety systems to building new schools or renovating existing facilities. In many cases, this Federal funding is used to leverage public and/or private local funding, so it often has a tremendous multiplier effect in a local school district.

The Center Point-Urbana Community School District received a 2002 Harkin grant totaling \$125,500 which it used to help build a new health and fitness center addition which is used not only by the school, but by the community as a whole. The district also received two fire safety grants totaling \$42,152 which it used to replace emergency systems throughout the district.

Excellent schools do not just pop up like mushrooms after a rain. They are the product of vision, leadership, persistence, and a tremendous amount of collaboration among local officials and concerned citizens. I salute the entire staff, administration, and governance in the Center Point-Urbana Community School District. In particular, I would like to recognize the leadership of the board of education—president Carol Engelken, Mark Boies, Tammy Carolan, Scott Millikin and Dan Jones as well as former president Connie Elgin and former members Kelly Bonar and Todd Ramsey. I would also like to recognize superintendent Alan Marshall, former superintendent Richard Whitehead, athletic director Dan Rosendahl and board secretary Kathy Thomas.

As we mark the 10th anniversary of the Harkin school grant program in Iowa, I am obliged to point out that many thousands of school buildings and facilities across the United States are in dire need of renovation or replacement. In my State of Iowa alone, according to a recent study, some 79 percent of public schools need to be upgraded or repaired. The harsh reality is

that the average age of school buildings in the United States is nearly 50 years.

Too often, our children visit ultra-modern shopping malls and gleaming sports arenas on weekends, but during the week go to school in rundown or antiquated facilities. This sends exactly the wrong message to our young people about our priorities. We have to do better.

That is why I am deeply grateful to the professionals and parents in the Center Point-Urbana Community School District. There is no question that a quality public education for every child is a top priority in that community. I salute them, and wish them a very successful new school year.●

#### CORNING COMMUNITY EDUCATION

● Mr. HARKIN. Madam President, in Iowa and across the United States, a new school year has begun. As you know, Iowa public schools have an excellent reputation nationwide, and Iowa students' test scores are among the highest in the Nation.

I would like to take just a few minutes, today, to salute the dedicated teachers, administrators, and school board members in the Corning Community School District, and to report on their participation in a unique Federal partnership to repair and modernize school facilities.

This fall marks the 10th year of the Iowa Demonstration Construction Grant Program. That is its formal name, but it is better known among educators in Iowa as the program of Harkin grants for Iowa public schools. Since 1998, I have been fortunate to secure a total of \$121 million for the State government in Iowa, which selects worthy school districts to receive these grants for a range of renovation and repair efforts—everything from updating fire safety systems to building new schools or renovating existing facilities. In many cases, this Federal funding is used to leverage public and/or private local funding, so it often has a tremendous multiplier effect in a local school district.

The Corning Community School District received several Harkin fire safety grants totaling \$193,244 which have been vital to the district's ability to maintain and keep buildings open. The high school was built in 1928 and had been cited by the State Fire Marshall for severe deficiencies. As a result of this funding, Corning Community School District was able to install an automatic door, a state of the art fire detection system, replace all the doors in the high school with automatic closures, and they are beginning the process of adding an elevator for students and others who use wheelchairs. The Federal grants have made it possible for the district to provide quality and safe schools for their students.

Excellent schools do not just pop up like mushrooms after a rain. They are

the product of vision, leadership, persistence, and a tremendous amount of collaboration among local officials and concerned citizens. I salute superintendent Mike Wells, the entire staff, administration, and governance in the Corning Community School District. In particular, I would like to recognize the leadership of the board of education—president Gary Goldsmith, Ralph Morales, Lori Harvey, Dr. Anna Leonard, and Shelly Barton and former members Nancy Turner, Pastor Andy Rubenking, and Reldon Ramsey, along with former superintendent, Gregg Fuerstenau. Gary Goldsmith insisted that the necessary improvements be made and that the school provide a safe learning environment for all children.

In addition, I applaud the efforts of Gary Swartz with the Iowa Department of Education who provided guidance with the grant writing procedure and high school principal Kent Jorgensen who assisted with the grant application and who demonstrated an unwavering dedication to the students. Others who assisted the district with the Harkin grants are: Don Kenworthy, retired teacher/electrician who did much of the work and shared his expertise throughout the process; Dale Rohe from Feld Equipment for assisting the district in prioritizing needs and installing the fire detection system; mayor Guy Brace for his local support and guidance; and Chris Boswell, maintenance director who provided the labor force for the work and assisted with the repairs.

As we mark the 10th anniversary of the Harkin school grant program in Iowa, I am obliged to point out that many thousands of school buildings and facilities across the United States are in dire need of renovation or replacement. In my State of Iowa alone, according to a recent study, some 79 percent of public schools need to be upgraded or repaired. The harsh reality is that the average age of school buildings in the United States is nearly 50 years.

Too often, our children visit ultra-modern shopping malls and gleaming sports arenas on weekends, but during the week go to school in rundown or antiquated facilities. This sends exactly the wrong message to our young people about our priorities. We have to do better.

That is why I am deeply grateful to the professionals and parents in the Corning Community School District. There is no question that a quality public education for every child is a top priority in that community. I salute them, and wish them a very successful new school year.●

#### HAMPTON-DUMONT COMMUNITY EDUCATION

● Mr. HARKIN. Madam President, in Iowa and across the United States, a new school year has begun. As you know, Iowa public schools have an excellent reputation nationwide, and

Iowa students' test scores are among the highest in the Nation.

I would like to take just a few minutes, today, to salute the dedicated teachers, administrators, and school board members in the Hampton-Dumont Community School District, and to report on their participation in a unique Federal partnership to repair and modernize school facilities.

This fall marks the 10th year of the Iowa Demonstration Construction Grant Program. That is its formal name, but it is better known among educators in Iowa as the program of Harkin grants for Iowa public schools. Since 1998, I have been fortunate to secure a total of \$121 million for the State government in Iowa, which selects worthy school districts to receive these grants for a range of renovation and repair efforts—everything from updating fire safety systems to building new schools or renovating existing facilities. In many cases, this Federal funding is used to leverage public and/or private local funding, so it often has a tremendous multiplier effect in a local school district.

The Hampton-Dumont Community School District received a 2002 Harkin grant totaling \$1 million which it used to help build an addition and make renovations to Southside Elementary. This school is a modern, state-of-the-art facility that befits the educational ambitions and excellence of this school district. Indeed, it is the kind of school facility that every child in America deserves. The district also received two fire safety grants totaling \$152,000 to upgrade the fire alarms systems and make other repairs at schools in the district.

Excellent schools do not just pop up like mushrooms after a rain. They are the product of vision, leadership, persistence, and a tremendous amount of collaboration among local officials and concerned citizens. I salute the entire staff, administration, and governance in the Hampton-Dumont Community School District. In particular, I would like to recognize the leadership of the board of education—president John Showalter, Kristi Wragge, Verla Pecha, Ryan Winters, Ron Raney, Scott Sackville and Stacy Miller and former board members Teresa Peterson, David Hannah and Harry Birdsell. I would also like to recognize superintendent Todd Lettow, former superintendent Leland Morrison, director of maintenance Vern Wirtjes, elementary principal Dick Nervig and board secretary Lisa Lewis.

As we mark the 10th anniversary of the Harkin school grant program in Iowa, I am obliged to point out that many thousands of school buildings and facilities across the United States are in dire need of renovation or replacement. In my State of Iowa alone, according to a recent study, some 79 percent of public schools need to be upgraded or repaired. The harsh reality is that the average age of school buildings in the United States is nearly 50 years.

Too often, our children visit ultra-modern shopping malls and gleaming sports arenas on weekends, but during the week go to school in rundown or antiquated facilities. This sends exactly the wrong message to our young people about our priorities. We have to do better.

That is why I am deeply grateful to the professionals and parents in the Hampton-Dumont Community School District. There is no question that a quality public education for every child is a top priority in that community. I salute them, and wish them a very successful new school year.●

#### HIGHLAND COMMUNITY EDUCATION

● Mr. HARKIN. Madam President, in Iowa and across the United States, a new school year has begun. As you know, Iowa public schools have an excellent reputation nationwide, and Iowa students' test scores are among the highest in the Nation.

I would like to take just a few minutes, today, to salute the dedicated teachers, administrators, and school board members in the Highland Community School District, and to report on their participation in a unique Federal partnership to repair and modernize school facilities.

This fall marks the 10th year of the Iowa Demonstration Construction Grant Program. That is its formal name, but it is better known among educators in Iowa as the program of Harkin grants for Iowa public schools. Since 1998, I have been fortunate to secure a total of \$121 million for the State government in Iowa, which selects worthy school districts to receive these grants for a range of renovation and repair efforts—everything from updating fire safety systems to building new schools or renovating existing facilities. In many cases, this Federal funding is used to leverage public and/or private local funding, so it often has a tremendous multiplier effect in a local school district.

The Highland Community School District received a 2000 Harkin grant totaling \$500,000 which was used to help build an addition to the middle school. This addition is a modern, state-of-the-art facility that befits the educational ambitions and excellence of this school district. The district also has received two fire safety grants totaling \$46,400 to install heat detectors, emergency lighting and make other repairs throughout the district. The Federal grants have made it possible for the district to provide quality and safe schools for their students.

Excellent schools do not just pop up like mushrooms after a rain. They are the product of vision, leadership, persistence, and a tremendous amount of collaboration among local officials and concerned citizens. I salute the entire staff, administration, and governance in the Highland Community School District. In particular, I'd like to rec-

ognize the leadership of the board of education—Mike Roberts, Cindy Michel, Robert Schneider, Ed Ossman, Kevin Engel, Bruce Temple and Becky Hanson and former board members Teresa Greiner, Sandra Duwa, Denny Klein, Vaughn Davisson, Craig Slay and Rodney Cole. I would also like to recognize superintendent Chris Armstrong and former superintendent Carol Montz.

As we mark the 10th anniversary of the Harkin school grant program in Iowa, I am obliged to point out that many thousands of school buildings and facilities across the United States are in dire need of renovation or replacement. In my State of Iowa alone, according to a recent study, some 79 percent of public schools need to be upgraded or repaired. The harsh reality is that the average age of school buildings in the United States is nearly 50 years.

Too often, our children visit ultra-modern shopping malls and gleaming sports arenas on weekends, but during the week go to school in rundown or antiquated facilities. This sends exactly the wrong message to our young people about our priorities. We have to do better.

That is why I am deeply grateful to the professionals and parents in the Highland Community School District. There is no question that a quality public education for every child is a top priority in that community. I salute them, and wish them a very successful new school year.●

#### WASHINGTON COMMUNITY EDUCATION

● Mr. HARKIN. Madam President, in Iowa and across the United States, a new school year has begun. As you know, Iowa public schools have an excellent reputation nationwide, and Iowa students' test scores are among the highest in the Nation.

I would like to take just a few minutes, today, to salute the dedicated teachers, administrators, and schoolboard members in the Washington Community School District, and to report on their participation in a unique Federal partnership to repair and modernize school facilities.

This fall marks the 10th year of the Iowa Demonstration Construction Grant Program. That is its formal name, but it is better known among educators in Iowa as the program of Harkin grants for Iowa public schools. Since 1998, I have been fortunate to secure a total of \$121 million for the State government in Iowa, which selects worthy school districts to receive these grants for a range of renovation and repair efforts—everything from updating fire safety systems to building new schools or renovating existing facilities. In many cases, this Federal funding is used to leverage public and/or private local funding, so it often has a tremendous multiplier effect in a local school district.

The Washington Community School District received a 2005 Harkin grant totaling \$500,000 which was used to upgrade all the facilities in the district including an addition to Stewart Elementary School. The district also received \$200,000 in fire safety grants since 2003 for a fire alarm system at the high school and repairs at Lincoln, Stewart and Washington schools. The Federal grants have made it possible for the district to provide quality and safe schools for their students.

Excellent schools do not just pop up like mushrooms after a rain. They are the product of vision, leadership, persistence, and a tremendous amount of collaboration among local officials and concerned citizens. I salute the entire staff, administration, and governance in the Washington Community School District. In particular, I would like to recognize the leadership of the board of education—Tim Orris, Patty Roe, Heidi Vittetoe, Deb Stanton, Eric Turner, Ron Goodwin, and Cathy Rich and former board members Jim Gorham and Vickie Reighard. I would also like to recognize superintendent Dave Schmitt.

As we mark the 10th anniversary of the Harkin School Grant Program in Iowa, I am obliged to point out that many thousands of school buildings and facilities across the United States are in dire need of renovation or replacement. In my State of Iowa alone, according to a recent study, some 79 percent of public schools need to be upgraded or repaired. The harsh reality is that the average age of school buildings in the United States is nearly 50 years.

Too often, our children visit ultra-modern shopping malls and gleaming sports arenas on weekends, but during the week go to school in rundown or antiquated facilities. This sends exactly the wrong message to our young people about our priorities. We have to do better.

That is why I am deeply grateful to the professionals and parents in the Washington Community School District. There is no question that a quality public education for every child is a top priority in that community. I salute them, and wish them a very successful new school year.●

#### RECOGNIZING AMERICAN LEGION POST 75

● Mr. KOHL. Madam President, on July 19, 2008, American Legion Post 75 in Fond du Lac, WI, named its building in honor of James Megellas. James Megellas is one of Fond du Lac's favorite sons and this is indeed a fitting honor. I congratulate Post 75 and want to take a moment to honor James Megellas' service to our country.

Mr. Megellas was a student at Ripon College in Ripon, WI, when Pearl Harbor was attacked. Upon his graduation in 1942, he accepted an ROTC commission as a second lieutenant in the infantry and shortly thereafter faced

combat in the mountains near Venafro, Italy. In 1943 he took part in Operation Shingle. In early 1944 he was part of an amphibious assault at Anzio. Heavy losses prevented his unit from taking part in D-day in Normandy. Instead, they parachuted into Holland under Operation Market Garden, the airborne invasion of the Netherlands. Under heavy gunfire, memorialized in the film "A Bridge Too Far", he took part in the famous crossing of the Waal River.

In December of 1944, his unit was rushed into the Battle of the Bulge. In January 1945, as his platoon advanced toward Herresbach, Belgium, against heavy snow and freezing cold, they surprised some 200 German troops who were advancing out of town. Megellas's platoon dealt them a serious blow. In an act of incredible bravery, Megellas ran toward a German Mark V tank as it was taking aim toward his platoon. He disabled the tank with a single grenade then, climbing atop, dropped another into the tank saving many of his men.

In 1946 he led his company down 5th Avenue in New York in the Victory Parade. His awards have appropriately been many, including Silver Stars, Bronze Stars, Purple Hearts and the Distinguished Service Cross. He has been honored by the Government of Holland with the Military Order of Willhelm Orange Lanyard.

This son of Fond du Lac served his country with honor and bravery. I commend him and congratulate American Legion Post 75 for bestowing this honor on one of Wisconsin's finest.●

#### SPENCER, WEST VIRGINIA, CELEBRATION

● Mr. ROCKEFELLER. Madam President, today I honor the town of Spencer, WV, which is celebrating its 150th anniversary. Spencer is a town with a long, rich history that is proudly considered by some as West Virginia's largest small city. It is located centrally in West Virginia and is filled with lots of character and many wonderful people. And I am proud stand here today to brag about this town's fine citizens and share their story.

Even from the earliest days, the people of Spencer have been tough, resourceful, and committed to making good lives for their families. The history of the great town of Spencer began in 1812 when the first settlers, Samuel Tanner and Jonathan Wolfe, sought shelter for their families in a large cave. The area was so beautiful that others decided to make it their home as well. As more settlers gathered, the town evolved. The town's name was changed from Tanner's Cross Road to Cassville and then to New California when a settler stopped by on his way to California.

In 1858, the town was officially chartered by the Virginia General Assembly and renamed Spencer, reportedly in honor of Judge Spencer Roane. Today

we celebrate that official charter and recognize all those who made Spencer what it is today, and those who will help fulfill its future promise.

Spencer currently has a population of nearly 2,300. These residents have really made their home a warm, special place to live and visit. And they're proud of the events and activities that help define their beloved town and honor its history. Presently, Spencer hosts a variety of outdoor events that draw hundreds of people each year. The Black Walnut Festival is filled with exciting attractions—from baking contests and car shows, to grand parades and golf tournaments. The Tour de Lake brings mountain bike racers from all over the State to compete at the scenic Charles Fork Lake. These events, coupled only with the warmth of its people, make Spencer a place people want to visit time and again.

Spencer is an extraordinary town that embodies the greatness and uniqueness of rural America. Its long history and diverse attractions and its terrific, one-of-a-kind people represent the very best of our Mountain State. I hope I have given my colleagues and the rest of our nation just a glimpse of our little town of Spencer—which is big and great in so many ways.●

#### HONORING WILBUR YACHTS

● Ms. SNOWE. Madam President, growing and maintaining a successful small business is often challenging, but in the end, many find that the rewards are beyond measure. Even more difficult can be forming a successful and environmentally conscientious business, but with the extra trials come even greater benefits. I wish to honor a small business from my home State of Maine that has risen to the top and has been recognized for its unsurpassed efforts in sustaining an environmentally friendly business. For 35 years, Wilbur Yachts of Southwest Harbor has helped to set the standard in the field of custom motorboat construction, and for the last several years, the firm has become an unparalleled leader in helping to challenge Maine's marine industry to protect the State's pristine environment.

In 1973, Lee Wilbur left the field of education to become a boat builder. Over the next 28 years, because of Mr. Wilbur's stalwart resolve and unrelenting desire to effect positive change, he transformed Wilbur Yachts into a company that is widely respected both in Maine and nationwide for its high-quality boats and commitment to environmental excellence. For years, Mr. Wilbur collaborated with other boat makers, building vessels for a diverse array of clients ranging from the Smithsonian Institution to pop singer Billy Joel. In 2001, Mr. Wilbur and his wife Heidi sold the business to their daughter Ingrid and her husband John Kachmar, who have embraced the long-standing tradition of providing unrivaled products while remaining

globally aware. Under their leadership, the company has soared to even newer heights.

This year, Wilbur Yachts celebrated its 35th anniversary, hosting owners of boats which the firm has built for a traditional Marine lobster bake. Coming from every corner of the globe, the owners of this impressive international fleet are a testament to the exceptional nature of Wilbur's yachts. Over the years, the firm's remarkable crafts have been lauded by the likes of Power Cruising, Power & Motoryacht, and Motorboating magazines.

Just as impressive as the company's proud history and enduring commitment to excellence is Wilbur Yachts' dedication to protecting the environment in which it works. The State of Maine recently awarded Wilbur Yachts the gold certification in its Maine Clean Boatyards and Marinas Program. The program identifies and highlights companies that meet or exceed Federal and State environmental standards in five specific areas of evaluation, including waste disposal and storage, and boat sewage and pump-outs. This honor is truly unparalleled, as to date no other boatyard has been acknowledged with this designation, the program's highest level of recognition. While Wilbur Yachts had previously held the silver certification, the most recent evaluation by an independent panel gave the company perfect ratings in all five groups.

Second-generation owners Ingrid and John Kachmar have led Wilbur Yachts to improve safety and reduce environmental impact while simultaneously cultivating a company where, according to its motto, "Maine Tradition Meets Modern Technology." I applaud both the company's owners and its employees for all of their efforts in producing yachts in an environmentally responsible manner and wish them the best of luck for the future.●

#### TRIBUTE TO CANYON LAKE ALL-STAR LITTLE LEAGUE TEAM

● Mr. THUNE. Madam President, today I honor the Canyon Lake All-Star Little League team on becoming the first team from South Dakota to qualify and play in the Little League World Series in Williamsport, PA.

The Canyon Lake All-Star Little League team's journey to the World Series was one filled with great excitement and execution. After a turbulent first three innings in the qualifying game, Canyon Lake scored three runs in the bottom of the fourth capturing the lead. They continued their rally into the fifth inning where they scored another four runs defeating the Coon Rapids Little League team with a final score of 7-1.

Canyon Lake was led by manager Doug Simons and assistant managers Jeff Minnick and Steve Nolan. Of course, this historic season would be impossible without the players themselves. The athletes of the 2007-2008

Canyon Lake All-Star Little League team, in alphabetical order, are as follows: Logan Anderson, Cale Fierro, Tanner Hagen, Jonah Hanson, Bill Hendricks, Matt Minnick, TJ Nolan, Mark Petereit, Jesse Riddle, Tanner Simons, Carter Wevik, Matt Wilson, and Alec Winter.

As a father of two student athletes, I know firsthand how much time and effort is needed from parents and families in order for our children to succeed. It is because of their support that these young people were able to reach this outstanding accomplishment. All of these families should be commended for the dedication they put forth to support their children.

All of these players should be commended for their efforts. These athletes should be very proud of all their remarkable achievements. On behalf of the State of South Dakota, I am please to say congratulations Canyon Lake All-Stars on this impressive accomplishment and keep up the good work.●

#### TRIBUTE TO COLONEL GREGG BLANCHARD

● Mr. THUNE. Madam President, today I rise to pay tribute to COL Gregg Blanchard, U.S. Army, on the occasion of his retirement after over 21 years of dedicated service. He is a true patriot and exceptional military leader—a living example of what is good about America.

Colonel Blanchard and his wife, Barb, both hail from Rapid City, SD. “Doc,” as he is known to his friends, is a proud graduate of Rapid City Central High School and the University of South Dakota. Barb graduated from Rapid City Stevens High School, and from National College in Rapid City.

Colonel Blanchard served successfully in every echelon of the Army, from the platoon to the theater army. He commanded troops at the company and battalion level and served a combat tour in Iraq as the Deputy G4, V Corps. As a logistics officer, Colonel Blanchard’s entire career has been devoted to the care and support of his fellow soldiers and their families. Over 9 of his 21 years were served overseas, where he tirelessly focused on supporting our warriors and their families.

He commanded the 701st Main Support Battalion of the famous 1st Infantry Division—the Big Red One. In this assignment, he supervised the training and welfare of over 1,100 soldiers and their families. His superb leadership and organizational ability were critical to the smooth redeployment of the division from Germany to the United States during the drawdown of forces in Europe. Colonel Blanchard’s superb leadership and positive attitude were contagious and inspired everyone around him to give their best effort.

As the Deputy G4, V Corps and Deputy C-4, Multi-National Corps—Iraq, Colonel Blanchard supervised logistical support to all forces operating in the Iraq Theater of Operations. His super-

rior skills as a leader, planner and communicator led to several notable assignments in the Pentagon with tours on the Army Staff, the Office of the Chairman of the Joint Chiefs of Staff, and the Office of the Secretary of Defense.

The Army recognized the unique abilities of Colonel Blanchard and selected him as one of four Active Army officers to serve as a Congressional Fellow in 2003. In that capacity he served this body for a year in the office of Senator Mark Dayton from Minnesota. This assignment led to other legislative liaison assignments in the Army and the Joint Staff.

When the first U.S. congressional delegation to Libya in 35 years occurred, then-Lieutenant Colonel Blanchard was selected to escort and coordinate the logistical challenges and country schedules for the trip. He was also instrumental in improving the Army’s process for congressional notification of our fallen soldiers, and for improving the Army’s responsiveness to the tens of thousands of inquiries it receives annually from Members of Congress.

In his current assignment as the Deputy Legislative Assistant to the Chairman of the Joint Chiefs of Staff, Colonel Blanchard provides critical assistance to the Senate Foreign Relations Committee and to the Senate Select Committee on Intelligence. His advice and counsel is regularly sought by senior defense leaders in the Army, the Joint Community and by Members of Congress and their staffs.

For over 21 years, Colonel Blanchard served this great country from locations all across the world. Whether mentoring and training young troops as a commander, providing for soldiers in combat, developing and affecting policy in the Pentagon, or working with Congress, he served with honor and distinction. He will indeed be remembered as an exceptional officer, a true patriot, a courageous warrior and a dedicated leader with the highest integrity and compassion for all who had the distinct honor of serving with him.

Barb and their children, Brittany and Alex, have demonstrated unwavering support throughout Colonel Blanchard’s distinguished career. This Nation is also grateful for their sacrifices that enabled Colonel Blanchard to serve with such distinction. Wherever he served, COL Gregg Blanchard set the highest standards of service, professionalism and leadership.●

#### TRIBUTE TO ART DAWSON

● Mr. THUNE. Madam President, today I honor Art Dawson of Rapid City, SD, for receiving the President’s Volunteer Service Award for volunteering 4,000 hours to his community and to the Nation over the course of his lifetime.

Art Dawson’s outstanding service for others began in 1950 when he joined the U.S. Army. After 30 dedicated years in the military, Art retired as a lieutenant

colonel in medical administration, but his desire to serve others continued. Following his retirement Art worked in the veteran’s administration in California and volunteered for 7 years with the Red Cross. Art moved to Rapid City, SD, in 1996 and immediately became an active and valuable member of the Rapid City Community. Since Art moved to the Rapid City area, he has volunteered himself to countless organizations including the Humane Society, the Pennington County Sheriff’s Department, CASA, and the Meals Program. His selfless devotion and faithful service to others and to his community is truly commendable.

It gives me great pleasure to congratulate Art Dawson for receiving this honorable award, and thank him for all his years of service to South Dakota and our Nation.●

#### TRIBUTE TO KRISTIE FIEGEN

● Mr. THUNE. Madam President, today I recognize the accomplishments of Junior Achievement of South Dakota. In particular, I would like to congratulate the organization’s President, Kristie Fiegen, for winning JA Worldwide’s 2008 Charles R. Hook Award. This award is bestowed on one Junior Achievement executive annually, and is the top honor for JA Presidents who demonstrate superior results in promoting the growth and development of Junior Achievement in their area.

Junior Achievement is the world’s largest organization dedicated to teaching students in Kindergarten through 12th grade about the importance of economics, entrepreneurship, and financial literacy. The organization reaches over 9 million students around the world each year, with over 130 local offices in the United States and operations in over 110 countries worldwide. One of the things that makes JA so unique is its use of adult volunteers to bring business to life for students. In the U.S. alone, young people in more than 188,000 classrooms benefit annually from these positive role models.

Kristie is clearly deserving of receiving this year’s Hook Award. She has served as President of Junior Achievement of South Dakota since 1994. During this period, she has increased the organization’s reach from 2 percent to more than 28 percent of all South Dakota students. The organization now reaches over 37,000 South Dakota students, impacting over 1,700 classrooms. The organization’s programs are provided at no cost to schools and are funded entirely through the private sector.

Especially in the current economic climate, teaching students the importance of economics and financial literacy is of the utmost importance, and I congratulate Kristie Fiegen and Junior Achievement of South Dakota for their efforts in South Dakota.●

# TRIBUTE TO ROSS A. MURPHEY

• Mr. THUNE. Madam President, today I honor Ross A. Murphey, a great patriot and first Sergeant in the South Dakota National Guard. Ross was the longest serving enlisted personnel in the history of the South Dakota National Guard.

Ross Murphey began his outstanding service in the South Dakota National Guard on March 13, 1966. As a senior in high school, Ross served in Headquarters and Headquarters Company in the 109th Battalion. Ross remained with the 109th until January 4, 1968, when the 842nd Engineer Company was formed in Northern Black Hills Region. He spent the next 37 years with the 842nd and eventually was transferred to Camp Rapid in Rapid City, SD. He served with Camp Rapid from September 14, 2005, until his retirement on August 13, 2008. Ross' leadership and commitment to the National Guard have been recognized numerous times, including meritorious service medals, state awards and the Bronze DeFleury award.

With hard work and dedication, Ross obtained a senior grade rank of First Sergeant. He served multiple times with the 842nd, including time served in Operation Enduring Freedom/Operation Iraqi Freedom at Baghdad International Airport.

Ross' devoted service to country and longevity are an inspiration to us all. Ross Murphey served the South Dakota National Guard with commitment and honor. I commend him for his 42 years of service to South Dakota and to our country.●

## MESSAGES FROM THE HOUSE

At 9:30 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 6894. An act to extend and reauthorize the Defense Production Act of 1950, and for other purposes.

H.R. 6965. An act to extend the authorization of the national flood insurance program, and for other purposes.

The message also announced that the House agrees to the amendments of the Senate to the bill (H.R. 5834) to amend the North Korean Human Rights Act of 2004 to promote respect for the fundamental human rights of the people of North Korea, and for other purposes.

At 3:26 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 642. An act to establish the Honorable Stephanie Tubbs Jones Fire Suppression Demonstration Incentive Program within the Department of Education to promote installation of fire sprinkler systems, or other fire suppression or prevention technologies, in qualified student housing and dormitories, and for other purposes.

H.R. 5244. An act to amend the Truth in Lending Act to establish fair and transparent practices relating to the extension of credit under an open end consumer credit plan, and for other purposes.

H.R. 5352. An act to protect seniors in the United States from elder abuse by establishing specialized elder abuse prosecution and research programs and activities to aid victims of elder abuse, to provide training to prosecutors and other law enforcement related to elder abuse prevention and protection, to establish programs that provide for emergency crisis response teams to combat elder abuse, and for other purposes.

H.R. 5443. An act to improve defense cooperation between the Republic of Korea and the United States.

H.R. 6646. An act to require the Secretary of State, in consultation with the Secretary of Defense, to provide detailed briefings to Congress on any recent discussions conducted between United States Government and the Government of Taiwan and any potential transfer of defense articles or defense services to the Government of Taiwan.

The message further announced that the House has passed the following bills, without amendment:

S. 1760. An act to amend the Public Health Service Act with respect to the Healthy Start Initiative.

S. 3241. An act to designate the facility of the United States Postal Service located at 1717 Orange Avenue in Fort Pierce, Florida, as the "CeeCee Ross Lyles Post Office Building".

The message also announced that the House has passed the following bill, with an amendment, in which it requests the concurrence of the Senate:

S. 3001. An act to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

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

H. Con. Res. 371. Concurrent resolution strongly supporting an immediate and just restitution of, or compensation for, property illegally confiscated during the last century by Nazi and Communist regimes.

H. Con. Res. 374. Concurrent resolution supporting Christian, Jewish, and Muslim interfaith dialogue that promotes peace, understanding, unity, and religious freedom.

## ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

At 5:30 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the Speaker has signed the following enrolled bills and joint resolutions:

S. 171. An act to designate the facility of the United States Postal Service located at 301 Commerce Street in Commerce, Oklahoma, as the "Mickey Mantle Post Office Building".

S. 2135. An act to prohibit the recruitment or use of child soldiers, to designate persons who recruit or use child soldiers as inadmissible aliens, to allow the deportation of persons who recruit or use child soldiers, and for other purposes.

S.J. Res. 35. Joint resolution to amend Public Law 108-331 to provide for the con-

struction and related activities in support of the Very Energetic Radiation Imaging Telescope Array System (VERITAS) project in Arizona.

S.J. Res. 45. Joint resolution expressing the consent and approval of Congress to an interstate compact regarding water resources in the Great Lakes-St. Lawrence River Basin.

H.R. 3986. An act to amend the John F. Kennedy Center Act to authorize appropriations for the John F. Kennedy Center for the Performing Arts, and for other purposes.

H.R. 6889. An act to extend the authority of the Secretary of Education to purchase guaranteed student loans for an additional year, and for other purposes.

H.R. 6893. An act to amend parts B and E of title IV of the Social Security Act to connect and support relative caregivers, improve outcomes for children in foster care, provide for tribal foster care and adoption access, improve incentives for adoption, and for other purposes.

The enrolled bills and joint resolutions were subsequently signed by the President pro tempore (Mr. BYRD).

At 7:27 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 7005. An act to amend the Internal Revenue Code of 1986 to provide alternative minimum tax relief for individuals for 2008.

H.R. 7006. An act to amend the Internal Revenue Code of 1986 to provide disaster assistance relief.

## 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-7801. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 747-400, -400D, and -400F Series Airplanes" ((RIN2120-AA64)(Docket No. FAA-2007-28386)) received on August 20, 2008; to the Committee on Commerce, Science, and Transportation.

EC-7802. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Dassault Model Mystere-Falcon 50 Airplanes" ((RIN2120-AA64)(Docket No. FAA-2008-0118)) received on August 20, 2008; to the Committee on Commerce, Science, and Transportation.

EC-7803. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 747-200F, 747-300, 747-400, and 747-400D Series Airplanes" ((RIN2120-AA64)(Docket No. FAA-2007-0045)) received on August 20, 2008; to the Committee on Commerce, Science, and Transportation.

EC-7804. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 737-100, -200, -200C, -300, -400, and -500 Series Airplanes" ((RIN2120-AA64)(Docket



No. FAA-2007-28383)) received on August 20, 2008; to the Committee on Commerce, Science, and Transportation.

EC-7805. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 737-600, -700, -700C, -800, and -900 Series Airplanes" ((RIN2120-AA64)(Docket No. FAA-2007-28384)) received on August 20, 2008; to the Committee on Commerce, Science, and Transportation.

EC-7806. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 757 Airplanes" ((RIN2120-AA64)(Docket No. FAA-2006-26710)) received on August 20, 2008; to the Committee on Commerce, Science, and Transportation.

EC-7807. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Air Tractor, Inc. AT-400, AT-500, AT-600, and AT-800 Series Airplanes" ((RIN2120-AA64)(Docket No. FAA-2007-0258)) received on August 20, 2008; to the Committee on Commerce, Science, and Transportation.

EC-7808. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 747-100, 747-100B, 747-100B SUD, 747-200B, 747-200C, 747-200F, 747-300, 747SR, and 747SP Series Airplanes" ((RIN2120-AA64)(Docket No. FAA-2007-28385)) received on August 20, 2008; to the Committee on Commerce, Science, and Transportation.

EC-7809. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; BAE Systems (Operations) Limited Model BAe 146 and Model Avro 146-RJ Airplanes" ((RIN2120-AA64)(Docket No. FAA-2007-0371)) received on August 20, 2008; to the Committee on Commerce, Science, and Transportation.

EC-7810. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A318, A319, A320, and A321 Airplanes" ((RIN2120-AA64)(Docket No. FAA-2008-0014)) received on August 20, 2008; to the Committee on Commerce, Science, and Transportation.

EC-7811. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; McDonnell Douglas Model 717-200 Airplanes" ((RIN2120-AA64)(Docket No. FAA-2007-0214)) received on August 20, 2008; to the Committee on Commerce, Science, and Transportation.

EC-7812. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; GENERAL AVIA Costruzioni Aeronautiche Models F22B, F22C, and F22R Airplanes" ((RIN2120-AA64)(Docket No. FAA-2008-0423)) received on August 20, 2008; to the Committee on Commerce, Science, and Transportation.

EC-7813. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Viking

Air Limited Model DHC-2 Series Airplanes" ((RIN2120-AA64)(Docket No. FAA-2008-0393)) received on August 20, 2008; to the Committee on Commerce, Science, and Transportation.

EC-7814. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Agusta S.p.A. Model A109E, A109S, and A119 Helicopters" ((RIN2120-AA64)(Docket No. FAA-2008-0630)) received on August 20, 2008; to the Committee on Commerce, Science, and Transportation.

EC-7815. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Sandel Avionics Incorporated Model ST3400 Terrain Awareness Warning System/Radio Magnetic Indicator (TAWS/RMI) Units Approved Under Technical Standard Order(s) C113, C151a, or C151b; Installed on Various Small and Transport Category Airplanes" ((RIN2120-AA64)(Docket No. FAA-2007-0290)) received on August 20, 2008; to the Committee on Commerce, Science, and Transportation.

EC-7816. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A310 and A300-600 Series Airplanes" ((RIN2120-AA64)(Docket No. FAA-2008-0048)) received on August 20, 2008; to the Committee on Commerce, Science, and Transportation.

EC-7817. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 737-100, -200, and -200C Series Airplanes" ((RIN2120-AA64)(Docket No. FAA-2007-29069)) received on August 20, 2008; to the Committee on Commerce, Science, and Transportation.

EC-7818. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 767-200, -300, -300F, and -400ER Series Airplanes" ((RIN2120-AA64)(Docket No. FAA-2007-28388)) received on August 20, 2008; to the Committee on Commerce, Science, and Transportation.

EC-7819. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Lockheed Model L-1011 Series Airplanes" ((RIN2120-AA64)(Docket No. FAA-2008-0181)) received on August 20, 2008; to the Committee on Commerce, Science, and Transportation.

EC-7820. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Rolls-Royce Deutschland Ltd. & Co. KG. (RRD) TAY 650-15 Turbofan Engines" ((RIN2120-AA64)(Docket No. FAA-2007-0037)) received on August 20, 2008; to the Committee on Commerce, Science, and Transportation.

EC-7821. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Lockheed Model 382, 382B, 382E, 382F, 382G, and 382J Series Airplanes" ((RIN2120-AA64)(Docket No. FAA-2008-0740)) received on August 20, 2008; to the Committee on Commerce, Science, and Transportation.

EC-7822. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Cessna Aircraft Company Model 525 Airplanes" ((RIN2120-AA64)(Docket No. FAA-2008-0306)) received on August 20, 2008; to the Committee on Commerce, Science, and Transportation.

EC-7823. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 777 Airplanes" ((RIN2120-AA64)(Docket No. FAA-2007-0393)) received on August 20, 2008; to the Committee on Commerce, Science, and Transportation.

EC-7824. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Bombardier Model CL-600-2B19 (Regional Jet Series 100 & 440) Airplanes" ((RIN2120-AA64)(Docket No. FAA-2008-0363)) received on August 20, 2008; to the Committee on Commerce, Science, and Transportation.

EC-7825. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 737-600, -700, -700C, -800 and -900 Series Airplanes" ((RIN2120-AA64)(Docket No. FAA-2007-27740)) received on August 20, 2008; to the Committee on Commerce, Science, and Transportation.

EC-7826. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision of Legal Descriptions of Multiple Federal Airways in the Vicinity of Farmington, NM" ((RIN2120-AA66)(Docket No. FAA-2008-0186)) received on August 20, 2008; to the Committee on Commerce, Science, and Transportation.

EC-7827. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; EADS SOCATA Model TBM 700 Airplanes" ((RIN2120-AA64)(Docket No. FAA-2008-0527)) received on August 20, 2008; to the Committee on Commerce, Science, and Transportation.

EC-7828. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Sikorsky Aircraft Corporation Model S-61A, S-61D, S-61E, and S-61V Helicopters" ((RIN2120-AA64)(Docket No. FAA-2007-0284)) received on August 20, 2008; to the Committee on Commerce, Science, and Transportation.

EC-7829. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; BAE Systems (Operations) Limited (Jetstream) Model 4101 Airplanes" ((RIN2120-AA64)(Docket No. FAA-2008-0275)) received on August 20, 2008; to the Committee on Commerce, Science, and Transportation.

EC-7830. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 747-400, 747-400D, and 747-400F Series Airplanes" ((RIN2120-AA64)(Docket No. FAA-2008-0273)) received on August 20, 2008; to the Committee on Commerce, Science, and Transportation.

EC-7831. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Pratt & Whitney Canada Corp. (P&WC) Models PW305A and PW305B Turbofan Engines" ((RIN2120-AA64)(Docket No. FAA-2008-0664)) received on August 20, 2008; to the Committee on Commerce, Science, and Transportation.

EC-7832. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB-135BJ Airplanes" ((RIN2120-AA64)(Docket No. FAA-2008-0194)) received on August 20, 2008; to the Committee on Commerce, Science, and Transportation.

EC-7833. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Bombardier Model DHC-8-400 Series Airplanes" ((RIN2120-AA64)(Docket No. FAA-2008-0360)) received on August 20, 2008; to the Committee on Commerce, Science, and Transportation.

EC-7834. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Cessna Aircraft Company Models 208 and 208B Airplanes" ((RIN2120-AA64)(Docket No. FAA-2008-0331)) received on August 20, 2008; to the Committee on Commerce, Science, and Transportation.

EC-7835. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Viking Air Limited Model DHC-2 Series Airplanes" ((RIN2120-AA64)(Docket No. FAA-2008-0393)) received on August 20, 2008; to the Committee on Commerce, Science, and Transportation.

EC-7836. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Lockheed Martin L-1011 Series Airplanes" ((RIN2120-AA64)(Docket No. FAA-2008-0637)) received on August 20, 2008; to the Committee on Commerce, Science, and Transportation.

EC-7837. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Dassault Model Falcon 2000EX Airplanes and Model Falcon 900EX Airplanes" ((RIN2120-AA64)(Docket No. FAA-2008-0364)) received on August 20, 2008; to the Committee on Commerce, Science, and Transportation.

EC-7838. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; M7 Aerospace LP SA226 and SA227 Series Airplanes" ((RIN2120-AA64)(Docket No. FAA-2008-0313)) received on August 20, 2008; to the Committee on Commerce, Science, and Transportation.

EC-7839. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Viking Air Limited Models DHC-2 Mk. I, DHC-2 Mk. II, and DHC-3 Airplanes" ((RIN2120-AA64)

(Docket No. FAA-2008-0444)) received on August 20, 2008; to the Committee on Commerce, Science, and Transportation.

EC-7840. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; International Aero Engines (IAE) V2500 Series Turbofan Engines" ((RIN2120-AA64)(Docket No. FAA-2005-23500)) received on August 20, 2008; to the Committee on Commerce, Science, and Transportation.

EC-7841. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Stemme GmbH & Co. KG Model S10-VT Gliders" ((RIN2120-AA64)(Docket No. FAA-2007-28958)) received on August 20, 2008; to the Committee on Commerce, Science, and Transportation.

EC-7842. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Pilatus Aircraft Ltd. Models PC-12, PC-12/45, and PC-12/47 Airplanes" ((RIN2120-AA64)(Docket No. FAA-2007-29217)) received on August 20, 2008; to the Committee on Commerce, Science, and Transportation.

EC-7843. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; British Aerospace Regional Aircraft Model HP.137 Jetstream Mk.1, Jetstream Series 200, Jetstream Series 3101, and Jetstream Model 3201 Airplanes" ((RIN2120-AA64)(Docket No. FAA-2007-28115)) received on August 20, 2008; to the Committee on Commerce, Science, and Transportation.

EC-7844. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; McDonnell Douglas Model DC-8-53, DC-8-55, DC-8F-54, and DC-8F-55 Airplanes; and Model DC-8-60, DC-8-60F, DC-8-70, and DC-8-70F Series Airplanes" ((RIN2120-AA64)(Docket No. FAA-2007-27777)) received August 20, 2008; to the Committee on Commerce, Science, and Transportation.

EC-7845. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 737-600, -700, -700C, -800 and -900 Series Airplanes" ((RIN2120-AA64)(Docket No. FAA-2007-27740)) received on August 20, 2008; to the Committee on Commerce, Science, and Transportation.

EC-7846. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Bombardier Model CL-600-2B19 (Regional Jet Series 100 & 440) Airplanes" ((RIN2120-AA64)(Docket No. FAA-2007-0047)) received on August 20, 2008; to the Committee on Commerce, Science, and Transportation.

EC-7847. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 767 Airplanes" ((RIN2120-AA64)(Docket No. FAA-2007-29259)) received on August 20, 2008; to the Committee on Commerce, Science, and Transportation.

EC-7848. A communication from the Program Analyst, Federal Aviation Administration,

Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; McDonnell Douglas Model 717-200 Airplanes" ((RIN2120-AA64)(Docket No. FAA-2007-29330)) received on August 20, 2008; to the Committee on Commerce, Science, and Transportation.

EC-7849. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Piaggio Aero Industries S.p.A. Model P-180 Airplanes" ((RIN2120-AA64)(Docket No. FAA-2007-27532)) received on August 20, 2008; to the Committee on Commerce, Science, and Transportation.

EC-7850. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; REIMS AVIATION S.A. Model F406 Airplanes" ((RIN2120-AA64)(Docket No. FAA-2007-0115)) received on August 20, 2008; to the Committee on Commerce, Science, and Transportation.

EC-7851. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; General Electric Company (GE) CF6-80C2B1 Turbofan Engine" ((RIN2120-AA64)(Docket No. FAA-2007-0193)) received on August 20, 2008; to the Committee on Commerce, Science, and Transportation.

EC-7852. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 747-200C and -200F Series Airplanes" ((RIN2120-AA64)(Docket No. FAA-2007-28924)) received on August 20, 2008; to the Committee on Commerce, Science, and Transportation.

EC-7853. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A300 Series Airplanes, Model A300-600 Series Airplanes, and Model A310 Series Airplanes" ((RIN2120-AA64)(Docket No. FAA-2007-27982)) received on August 20, 2008; to the Committee on Commerce, Science, and Transportation.

EC-7854. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Honeywell International Inc. ATF3-6 and ATF3-6A Series Turbofan Engines" ((RIN2120-AA64)(Docket No. FAA-2007-29092)) received on August 20, 2008; to the Committee on Commerce, Science, and Transportation.

EC-7855. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Bombardier Model CL-600-1A11 (CL-600), CL-600-2A12 (CL-601), CL-600-2B16 (CL-601-3A, CL-601-3R, & CL-604 (Including CL-605 Marketing Variant)) Airplanes, and Model CL-600-2B19 (Regional Jet Series 100 & 440) Airplanes" ((RIN2120-AA64)(Docket No. FAA-2008-0408)) received on August 20, 2008; to the Committee on Commerce, Science, and Transportation.

EC-7856. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Engine

Bird Ingestion" ((RIN2120-AI73) (Docket No. FAA-2006-25375)) received on August 20, 2008; to the Committee on Commerce, Science, and Transportation.

EC-7857. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Hawker Beechcraft Corporation (Type Certificates No. 3A15, No. 3A16, No. A23CE, and No. A30CE previously held by Raytheon Aircraft Company) F33 Series and Models G33, V35B, A36, A36TC, B36TC, 95-B55, D55, E55, A56TC, 58, 58P, 58TC, G58, and 77 Airplanes" ((RIN2120-AA64) (Docket No. FAA-2007-28434)) received on August 20, 2008; to the Committee on Commerce, Science, and Transportation.

EC-7858. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Dornier Model 328-100 Airplanes" ((RIN2120-AA64) (Docket No. FAA-2008-0297)) received on August 20, 2008; to the Committee on Commerce, Science, and Transportation.

EC-7859. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Bombardier Model DHC-8-400 Series Airplanes" ((RIN2120-AA64) (Docket No. FAA-2008-0178)) received on August 20, 2008; to the Committee on Commerce, Science, and Transportation.

EC-7860. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 757 Airplanes Equipped with Rolls Royce RB211-535E Engines" ((RIN2120-AA64) (Docket No. FAA-2007-0225)) received on August 20, 2008; to the Committee on Commerce, Science, and Transportation.

EC-7861. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 767-200, -300, and -400ER Series Airplanes" ((RIN2120-AA64) (Docket No. FAA-2008-0012)) received on August 20, 2008; to the Committee on Commerce, Science, and Transportation.

EC-7862. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 747-400, 747-400D, and 747-400F Series Airplanes" ((RIN2120-AA64) (Docket No. FAA-2006-26110)) received on August 20, 2008; to the Committee on Commerce, Science, and Transportation.

EC-7863. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; ATR Model ATR42-200, -300, -320, -500 Airplanes; and Model ATR72-101, -201, -102, -202, -211, -212, and -212A Airplanes" ((RIN2120-AA64) (Docket No. FAA-2008-0293)) received on August 20, 2008; to the Committee on Commerce, Science, and Transportation.

EC-7864. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Hartzell Propeller Inc. (HC-) (2,3)Y(K,R)-2 Two- and Three-Bladed Compact Series Propellers" ((RIN2120-AA64) (Docket No. FAA-2008-0254)) received on August 20, 2008; to the Committee on Commerce, Science, and Transportation.

EC-7865. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A330 and A340 Airplanes" ((RIN2120-AA64) (Docket No. FAA-2007-0347)) received on August 20, 2008; to the Committee on Commerce, Science, and Transportation.

EC-7866. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 777-200, -200LR, -300, and -300ER Series Airplanes Approved for Extended-Range Twin-Engine Operational Performance Standards (ETOPS)" ((RIN2120-AA64) (Docket No. FAA-2008-0673)) received on August 20, 2008; to the Committee on Commerce, Science, and Transportation.

EC-7867. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A330 Airplanes and Model A340-200 and -300 Series Airplanes" ((RIN2120-AA64) (Docket No. FAA-2007-0266)) received on August 20, 2008; to the Committee on Commerce, Science, and Transportation.

EC-7868. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Dassault Model Mystère-Falcon 900 and Falcon 900EX Airplanes" ((RIN2120-AA64) (Docket No. FAA-2008-0365)) received on August 20, 2008; to the Committee on Commerce, Science, and Transportation.

EC-7869. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Dassault Model Mystère-Falcon 20-C5, 20-D5, and 20-E5 Airplanes" ((RIN2120-AA64) (Docket No. FAA-2008-0296)) received on August 20, 2008; to the Committee on Commerce, Science, and Transportation.

EC-7870. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Lindstrand Balloons Ltd. Models 42A, 56A, 60A, 69A, 77A, 90A, 105A, 120A, 150A, 180A, 210A, 240A, 260A, and 310A Balloons" ((RIN2120-AA64) (Docket No. FAA-2008-0446)) received on August 20, 2008; to the Committee on Commerce, Science, and Transportation.

EC-7871. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Establishment of Class E5 Airspace; Prairie Du Sac, WI" ((RIN2120-AA64) (Docket No. FAA-2007-28778)) received on August 20, 2008; to the Committee on Commerce, Science, and Transportation.

EC-7872. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Establishment of Class E5 Airspace; Tarkio, MO" ((Docket No. FAA-2007-28869) (Airspace Docket No. 07-ACE-11)) received on August 20, 2008; to the Committee on Commerce, Science, and Transportation.

EC-7873. A communication from the 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; Shortraker Rockfish in the Western Regulatory Area of the Gulf of Alaska" ((RIN0648-XJ64) (Docket No. 071106671-8010-2)) received on August 26, 2008; to the Committee on Commerce, Science, and Transportation.

EC-7874. A communication from the 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; Pelagic Shelf Rockfish for Catcher Processors Participating in the Rockfish Limited Access Fishery in the Central Regulatory Area of the Gulf of Alaska" ((RIN0648-XJ38) (Docket No. 071106671-8010-02)) received on August 26, 2008; to the Committee on Commerce, Science, and Transportation.

EC-7875. 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 Ocean Perch for Trawl Catcher Vessels Participating in the Rockfish Entry Level Fishery in the Central Regulatory Area of the Gulf of Alaska" ((RIN0648-XJ35) (Docket No. 071106671-8010-02)) received on August 26, 2008; to the Committee on Commerce, Science, and Transportation.

EC-7876. A communication from the Acting Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Atlantic Highly Migratory Species (HMS); Atlantic Shark Management Measures" ((RIN0648-AU89) (Docket No. 0612242866-8888-03)) received on August 27, 2008; to the Committee on Commerce, Science, and Transportation.

EC-7877. 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 Northeastern United States; Spiny Dogfish Fishery; Commercial Period 1 Quota Harvested" ((RIN0648-XJ82) (Docket No. 060418103-6181-02)) received on August 29, 2008; to the Committee on Commerce, Science, and Transportation.

EC-7878. A communication from the Acting Director, Office Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Reallocation of Atka Mackerel in the Bering Sea and Aleutian Islands Management Area" ((RIN0648-XJ32) (Docket No. 071106673-8011-02)) received on August 26, 2008; to the Committee on Commerce, Science, and Transportation.

EC-7879. A communication from the Attorney Advisor of Regulations and Administrative Law, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Special Local Regulations for Marine Events; Patapsco River, Inner Harbor, Baltimore, MD" ((RIN1625-AA08) (Docket No. USCG-2008-0392)) received on September 2, 2008; to the Committee on Commerce, Science, and Transportation.

EC-7880. A communication from the 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; Thornyhead Rockfish in the Western Regulatory Area of the Gulf of Alaska" ((RIN0648-XJ72) (Docket No. 071106671-8010-02)) received on September 8, 2008; to the Committee on Commerce, Science, and Transportation.

#### REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mrs. BOXER, from the Committee on Environment and Public Works, with an amendment in the nature of a substitute:

S. 24. A bill to amend the Safe Drinking Water Act to require a health advisory and monitoring of drinking water for perchlorate (Rept. No. 110-483).

S. 150. A bill to amend the Safe Drinking Water Act to protect the health of pregnant women, fetuses, infants, and children by requiring a health advisory and drinking water standard for perchlorate (Rept. No. 110-484).

By Mrs. BOXER, from the Committee on Environment and Public Works, without amendment:

S. 642. A bill to codify Executive Order 12898, relating to environmental justice, to require the Administrator of the Environmental Protection Agency to fully implement the recommendations of the Inspector General of the Agency and the Comptroller General of the United States, and for other purposes (Rept. No. 110-485).

S. 1911. A bill to amend the Safe Drinking Water Act to protect the health of susceptible populations, including pregnant women, infants, and children, by requiring a health advisory, drinking water standard, and reference concentration for trichloroethylene vapor intrusion, and for other purposes (Rept. No. 110-486).

S. 2970. A bill to enhance the ability of drinking water utilities in the United States to develop and implement climate change adaptation programs and policies, and for other purposes (Rept. No. 110-487).

S. 2994. A bill to amend the Federal Water Pollution Control Act to provide for the remediation of sediment contamination in areas of concern (Rept. No. 110-488).

S. 3489. A bill to require the Administrator of the Environmental Protection Agency to conduct a study on black carbon emissions (Rept. No. 110-489).

S. 3551. An original bill to amend the Public Works and Economic Development Act of 1965 to reauthorize that Act, and for other purposes (Rept. No. 110-490).

By Mrs. BOXER, from the Committee on Environment and Public Works, with an amendment in the nature of a substitute and an amendment to the title:

S. 1387. A bill to amend the Emergency Planning and Community Right-to-Know Act of 1986 to provide for greenhouse gases (Rept. No. 110-491).

By Mrs. BOXER, from the Committee on Environment and Public Works, with an amendment in the nature of a substitute:

H.R. 1464. A bill to assist in the conservation of rare felids and rare canids by supporting and providing financial resources for the conservation programs of nations within the range of rare felid and rare canid populations and projects of persons with demonstrated expertise in the conservation of rare felid and rare canid populations (Rept. No. 110-492).

By Mrs. BOXER, from the Committee on Environment and Public Works, without amendment:

H.R. 1771. A bill to assist in the conservation of cranes by supporting and providing, through projects of persons and organizations with expertise in crane conservation, financial resources for the conservation programs of countries the activities of which directly or indirectly affect cranes and the ecosystems of cranes (Rept. No. 110-493).

By Mrs. BOXER, from the Committee on Environment and Public Works, with an amendment:

S. 1828. A bill to require the Administrator of the Environmental Protection Agency to conduct a study of the feasibility of increasing the consumption in the United States of certain ethanol-blended gasoline (Rept. No. 110-494).

By Mrs. BOXER, from the Committee on Environment and Public Works, without amendment:

H.R. 3224. A bill to amend the National Dam Safety Program Act to establish a program to provide grant assistance to States for the rehabilitation and repair of deficient dams (Rept. No. 110-495).

By Mr. DODD, from the Committee on Foreign Relations, without amendment:

S. 3563. An original bill to authorize appropriations under the Arms Export Control Act and the Foreign Assistance Act of 1961 for security assistance for fiscal years 2009 and 2010, and for other purposes (Rept. No. 110-496).

By Mrs. BOXER, from the Committee on Environment and Public Works, with an amendment in the nature of a substitute:

S. 2080. A bill to amend the Federal Water Pollution Control Act to ensure that sewage treatment plants monitor for and report discharges of raw sewage, and for other purposes (Rept. No. 110-497).

By Mrs. BOXER, from the Committee on Environment and Public Works, without amendment:

S. 2549. A bill to require the Administrator of the Environmental Protection Agency to establish an Interagency Working Group on Environmental Justice to provide guidance to Federal agencies on the development of criteria for identifying disproportionately high and adverse human health or environmental effects on minority populations and low-income populations, and for other purposes (Rept. No. 110-498).

S. 3564. An original bill to restore the value of every American in environmental decisions, and for other purposes (Rept. No. 110-499).

S. 3565. An original bill to address the health and economic development impacts of nonattainment of federally mandated air quality standards in the San Joaquin Valley, California, by designating air quality empowerment zones (Rept. No. 110-500).

H.R. 5001. A bill to authorize the Administrator of General Services to provide for the redevelopment of the Old Post Office Building located in the District of Columbia (Rept. No. 110-501).

By Mr. DORGAN, from the Committee on Indian Affairs, with an amendment in the nature of a substitute:

S. 3128. A bill to direct the Secretary of the Interior to provide a loan to the White Mountain Apache Tribe for use in planning, engineering, and designing a certain water system project (Rept. No. 110-502).

By Mr. LIEBERMAN, from the Committee on Homeland Security and Governmental Affairs, with an amendment in the nature of a substitute:

H.R. 3815. A bill to amend the Homeland Security Act of 2002 to require the Secretary of Homeland Security to make full and efficient use of open source information to develop and disseminate open source homeland security information products, and for other purposes.

By Mr. LIEBERMAN, from the Committee on Homeland Security and Governmental Affairs, without amendment:

H.R. 5975. A bill to designate the facility of the United States Postal Service located at 101 West Main Street in Waterville, New York, as the "Cpl. John P. Sigsbee Post Office".

H.R. 6073. A bill to provide that Federal employees receiving their pay by electronic funds transfer shall be given the option of receiving their pay stubs electronically.

H.R. 6092. A bill to designate the facility of the United States Postal Service located at 101 Tallapoosa Street in Bremen, Georgia, as the "Sergeant Paul Saylor Post Office Building".

By Mr. LIEBERMAN, from the Committee on Homeland Security and Governmental Affairs, with an amendment in the nature of a substitute:

H.R. 6098. A bill to amend the Homeland Security Act of 2002 to improve the financial assistance provided to State, local, and tribal governments for information sharing activities, and for other purposes.

By Mr. LIEBERMAN, from the Committee on Homeland Security and Governmental Affairs, without amendment:

H.R. 6437. A bill to designate the facility of the United States Postal Service located at 200 North Texas Avenue in Odessa, Texas, as the "Corporal Alfred Mac Wilson Post Office".

S. 3309. A bill to designate the facility of the United States Postal Service located at 2523 7th Avenue East in North Saint Paul, Minnesota, as the Mayor William "Bill" Sandberg Post Office Building.

S. 3317. A bill to designate the facility of the United States Postal Service located at 101 West Main Street in Waterville, New York, as the "Corporal John P. Sigsbee Post Office".

S. 3350. A bill to provide that claims of the United States to certain documents relating to Franklin Delano Roosevelt shall be treated as waived and relinquished in certain circumstances.

By Mrs. BOXER, from the Committee on Environment and Public Works, without amendment:

S. 3550. An original bill to designate a portion of the Rappahannock River in the Commonwealth of Virginia as the "John W. Warner Rapids".

## 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 Mrs. BOXER:

S. 3550. An original bill to designate a portion of the Rappahannock River in the Commonwealth of Virginia as the "John W. Warner Rapids; from the Committee on Environment and Public Works; considered and passed.

By Mrs. BOXER:

S. 3551. An original bill to amend the Public Works and Economic Development Act of 1965 to reauthorize that Act, and for other purposes; from the Committee on Environment and Public Works; placed on the calendar.

By Mr. LIEBERMAN (for himself, Mr. BOND, Mr. VOINOVICH, and Mrs. CLINTON):

S. 3552. A bill to conserve the United States fish and aquatic communities through partnerships that foster fish habitat conservation and improve the quality of life for the people of the United States and for other purposes; to the Committee on Environment and Public Works.

By Ms. MURKOWSKI (for herself and Mr. STEVENS):

S. 3553. A bill to exempt certain charitable flights from certain regulations applicable to commercial flights; to the Committee on Commerce, Science, and Transportation.

By Mr. SMITH (for himself and Mr. LIEBERMAN):

S. 3554. A bill to provide employees of small employers with access to quality, affordable health insurance coverage; to the Committee on Finance.

By Mr. LEVIN (for himself and Ms. STABENOW):

S. 3555. A bill to establish a pilot program to provide for the preservation and rehabilitation of historic lighthouses; to the Committee on Energy and Natural Resources.

By Mr. WYDEN (for himself and Mr. BARRASSO):

S. 3556. A bill to improve the administration of the Minerals Management Service; to the Committee on Energy and Natural Resources.

By Mr. SCHUMER:

S. 3557. A bill to encourage savings, promote financial literacy, and expand opportunities for young adults by establishing KIDS Accounts; to the Committee on Finance.

By Mr. WICKER (for himself and Mr. COCHRAN):

S. 3558. A bill to amend the Federal Water Pollution Control Act to expand and strengthen cooperative efforts to monitor, restore, and protect the resource productivity, water quality, and marine ecosystems of the Gulf of Mexico; to the Committee on Environment and Public Works.

By Mr. COLEMAN:

S. 3559. A bill to amend the Public Health Service Act to ensure that third party review is available whenever health insurance coverage in the individual market is terminated; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BAUCUS (for himself and Mr. GRASSLEY):

S. 3560. A bill to amend title XIX of the Social Security Act to provide additional funds for the qualifying individual (QI) program, and for other purposes; to the Committee on Finance.

By Mrs. CLINTON:

S. 3561. A bill to amend the Internal Revenue Code of 1986 to provide a refundable credit against income tax to assist individuals with high residential energy costs, and for other purposes; to the Committee on Finance.

By Mr. WICKER (for himself and Mr. INHOFE):

S. 3562. A bill to amend the Clean Air Act to provide for the waiver of requirements relating to recertification kits for the conversion of vehicles into vehicles powered by natural gas or liquefied petroleum gas; to the Committee on Environment and Public Works.

By Mr. DODD:

S. 3563. An original bill to authorize appropriations under the Arms Export Control Act and the Foreign Assistance Act of 1961 for security assistance for fiscal years 2009 and 2010, and for other purposes; from the Committee on Foreign Relations; placed on the calendar.

By Mrs. BOXER:

S. 3564. An original bill to restore the value of every American in environmental decisions, and for other purposes; from the Committee on Environment and Public Works; placed on the calendar.

By Mrs. BOXER:

S. 3565. An original bill to address the health and economic development impacts of nonattainment of federally mandated air quality standards in the San Joaquin Valley, California, by designating air quality empowerment zones; from the Committee on Environment and Public Works; placed on the calendar.

By Mrs. MURRAY (for herself, Mr. KENNEDY, Mr. OBAMA, Mr. BROWN, and Mr. MENENDEZ):

S. 3566. A bill to prohibit the Secretary of Labor from issuing, administering, or enforcing any rule, regulation, or requirement derived from the proposal submitted to the Office of Management and Budget entitled "Requirements for DOL Agencies' Assessment of Occupational Health Risks" (RIN: 1290-AA23); to the Committee on Health, Education, Labor, and Pensions.

By Mrs. CLINTON:

S. 3567. A bill to establish a Commission on the conflict between Russia and Georgia, and

for other purposes; to the Committee on Foreign Relations.

By Mr. CORNYN:

S. 3568. A bill to amend the Controlled Substances Act to address the use of intrathecal pumps; to the Committee on the Judiciary.

By Mr. SCHUMER (for himself, Mr. SESSIONS, and Mr. LEAHY):

S. 3569. A bill to make improvements in the operation and administration of the Federal courts, and for other purposes; to the Committee on the Judiciary.

By Mr. MENENDEZ:

S. 3570. A bill to establish a National Public Health Coordinating Council to assess the impact of Federal health-related socio-economic and environmental policies across Federal agencies to improve the public's health; to the Committee on Health, Education, Labor, and Pensions.

By Mr. MENENDEZ:

S. 3571. A bill to stimulate social policy and community environments to improve health by encouraging policies and programs to improve community health by policy and design, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Ms. LANDRIEU (for herself and Mr. VITTER):

S. 3572. A bill to provide for disaster assistance for power transmission and distribution facilities, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. MARTINEZ (for himself and Mr. NELSON of Florida):

S. Res. 679. A resolution commemorating the 219th anniversary of the United States Marshals Service; to the Committee on the Judiciary.

By Mr. REID (for himself and Mr. MCCONNELL):

S. Res. 680. A resolution to authorize the production of records by the Permanent Subcommittee on Investigations of the Committee on Homeland Security and Governmental Affairs; considered and agreed to.

By Mr. MCCONNELL (for himself, Mr. CORNYN, and Mr. INHOFE):

S. Res. 681. A resolution to allow the part time, volunteer practice of medicine in private medical facilities; to the Committee on Rules and Administration.

By Mr. SALAZAR (for himself, Mr. MENENDEZ, Mr. MARTINEZ, Mr. REID, Ms. STABENOW, Mr. DURBIN, Mr. BINGAMAN, Mr. OBAMA, Mr. LEVIN, Mrs. CLINTON, Mr. LAUTENBERG, Mr. SCHUMER, Mr. DODD, Mr. FEINGOLD, Mrs. BOXER, Mr. DOMENICI, Mrs. MURRAY, Mr. LUGAR, and Mrs. HUTCHISON):

S. Res. 682. A resolution recognizing Hispanic Heritage Month and celebrating the heritage and culture of Hispanic Americans and their immense contributions to the Nation; considered and agreed to.

By Mr. REED (for himself, Ms. COLLINS, Mr. WHITEHOUSE, Mr. BOND, Mr. ISAKSON, Mr. CARDIN, Mr. LEVIN, Mr. BIDEN, Mr. LIEBERMAN, Mr. KERRY, Ms. STABENOW, Mr. FEINGOLD, Mrs. BOXER, Mr. LEAHY, Mr. PRYOR, and Mr. LAUTENBERG):

S. Res. 683. A resolution designating the week of October 19 through October 25, 2008, as "National Childhood Lead Poisoning Prevention Week"; considered and agreed to.

By Mr. DURBIN (for himself, Ms. SNOWE, Mr. KERRY, Mr. FEINGOLD, Mr. LUGAR, Mr. BROWNBACK, Mr. SCHUMER, Mr. MENENDEZ, Mr. SPECTER, Mr. BIDEN, Mr. OBAMA, Mr. DODD, Mr. LEAHY, Mr. LEVIN, Mr. WHITEHOUSE, Mrs. MURRAY, Mr. ISAKSON, Mr. CHAMBLISS, Mr. SUNUNU, Mr. SANDERS, Mrs. CLINTON, Mr. ROBERTS, Mrs. DOLE, Mr. BINGAMAN, Mrs. BOXER, Mr. WYDEN, Mr. LAUTENBERG, Mrs. FEINSTEIN, Mr. COLEMAN, and Mr. VOINOVICH):

S. Res. 684. A resolution calling for a comprehensive strategy to address the crisis in Darfur, Sudan; considered and agreed to.

By Mrs. CLINTON:

S. Con. Res. 102. A concurrent resolution expressing the sense of Congress that ensuring the availability of adequate housing is an essential component of an effective strategy for the prevention and treatment of HIV and the care of individuals with HIV; to the Committee on Banking, Housing, and Urban Affairs.

By Mrs. CLINTON:

S. Con. Res. 103. A concurrent resolution recognizing the 10th anniversary of the establishment of the Minority AIDS Initiative; to the Committee on Health, Education, Labor, and Pensions.

## ADDITIONAL COSPONSORS

S. 206

At the request of Mrs. FEINSTEIN, the names of the Senator from North Carolina (Mrs. DOLE) and the Senator from Delaware (Mr. BIDEN) were added as cosponsors of S. 206, a bill to amend title II of the Social Security Act to repeal the Government pension offset and windfall elimination provisions.

S. 334

At the request of Mr. WYDEN, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 334, a bill to provide affordable, guaranteed private health coverage that will make Americans healthier and can never be taken away.

S. 400

At the request of Mr. SUNUNU, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 400, a bill to amend the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 to ensure that dependent students who take a medically necessary leave of absence do not lose health insurance coverage, and for other purposes.

S. 508

At the request of Mrs. MCCASKILL, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 508, a bill to amend the Congressional Accountability Act of 1995 to apply whistleblower protections available to certain executive branch employees to legislative branch employees, and for other purposes.

S. 602

At the request of Mr. PRYOR, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 602, a bill to develop the next generation of parental control technology.

S. 960

At the request of Mrs. CLINTON, the names of the Senator from Montana

(Mr. BAUCUS) and the Senator from Pennsylvania (Mr. CASEY) were added as cosponsors of S. 960, a bill to establish the United States Public Service Academy.

S. 961

At the request of Mr. NELSON of Nebraska, the name of the Senator from North Carolina (Mrs. DOLE) was added as a cosponsor of S. 961, a bill to amend title 46, United States Code, to provide benefits to certain individuals who served in the United States merchant marine (including the Army Transport Service and the Naval Transport Service) during World War II, and for other purposes.

S. 1007

At the request of Mr. LUGAR, the names of the Senator from Connecticut (Mr. DODD) and the Senator from Nebraska (Mr. HAGEL) were added as cosponsors of S. 1007, a bill to direct the Secretary of State to work with the Government of Brazil and other foreign governments to develop partnerships that will strengthen diplomatic relations and energy security by accelerating the development of biofuels production, research, and infrastructure to alleviate poverty, create jobs, and increase income, while improving energy security and protecting the environment.

S. 1503

At the request of Mr. INHOFE, the name of the Senator from North Carolina (Mrs. DOLE) was added as a cosponsor of S. 1503, a bill to improve domestic fuels security.

S. 1693

At the request of Mr. VOINOVICH, his name was added as a cosponsor of S. 1693, a bill to enhance the adoption of a nationwide interoperable health information technology system and to improve the quality and reduce the costs of health care in the United States.

S. 1738

At the request of Mr. REID, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 1738, a bill to establish a Special Counsel for Child Exploitation Prevention and Interdiction within the Office of the Deputy Attorney General, to improve the Internet Crimes Against Children Task Force, to increase resources for regional computer forensic labs, and to make other improvements to increase the ability of law enforcement agencies to investigate and prosecute predators.

S. 2510

At the request of Ms. LANDRIEU, the names of the Senator from North Dakota (Mr. DORGAN) and the Senator from South Carolina (Mr. GRAHAM) were added as cosponsors of S. 2510, a bill to amend the Public Health Service Act to provide revised standards for quality assurance in screening and evaluation of gynecologic cytology preparations, and for other purposes.

At the request of Mr. BUNNING, his name was added as a cosponsor of S. 2510, *supra*.

S. 2641

At the request of Mr. GRASSLEY, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 2641, a bill to amend title XVIII and XIX of the Social Security Act to improve the transparency of information on skilled nursing facilities and nursing facilities and to clarify and improve the targeting of the enforcement of requirements with respect to such facilities.

S. 2668

At the request of Mr. KERRY, the name of the Senator from Utah (Mr. HATCH) 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. 2770

At the request of Mrs. FEINSTEIN, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 2770, a bill to amend the Federal Meat Inspection Act to strengthen the food safety inspection system by imposing stricter penalties for the slaughter of nonambulatory livestock.

S. 2794

At the request of Mr. KOHL, the name of the Senator from Missouri (Mrs. MCCASKILL) was added as a cosponsor of S. 2794, a bill to protect older Americans from misleading and fraudulent marketing practices, with the goal of increasing retirement security.

S. 2937

At the request of Mr. TESTER, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. 2937, a bill to provide permanent treatment authority for participants in Department of Defense chemical and biological testing conducted by Deseret Test Center and an expanded study of the health impact of Project Shipboard Hazard and Defense, and for other purposes.

S. 3187

At the request of Mr. HAGEL, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 3187, a bill to establish a comprehensive interagency response to reduce lung cancer mortality in a timely manner.

S. 3325

At the request of Mr. SPECTER, the names of the Senator from Texas (Mrs. HUTCHISON) and the Senator from Oregon (Mr. SMITH) were added as cosponsors of S. 3325, a bill to enhance remedies for violations of intellectual property laws, and for other purposes.

At the request of Mr. LEAHY, the names of the Senator from California (Mrs. BOXER) and the Senator from New York (Mr. SCHUMER) were added as cosponsors of S. 3325, *supra*.

S. 3331

At the request of Mr. CRAPO, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 3331, a bill to amend the Internal Revenue Code of 1986 to require

that the payment of the manufacturers' excise tax on recreational equipment be paid quarterly.

S. 3344

At the request of Mr. COBURN, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 3344, a bill to defend against child exploitation and child pornography through improved Internet Crimes Against Children task forces and enhanced tools to block illegal images, and to eliminate the unwarranted release of convicted sex offenders.

S. 3364

At the request of Mrs. LINCOLN, the names of the Senator from Rhode Island (Mr. WHITEHOUSE) and the Senator from North Carolina (Mrs. DOLE) were added as cosponsors of S. 3364, a bill to increase the recruitment and retention of school counselors, school social workers, and school psychologists by low-income local educational agencies.

S. 3380

At the request of Mrs. CLINTON, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 3380, a bill to promote increased public transportation use, to promote increased use of alternative fuels in providing public transportation, and for other purposes.

S. 3416

At the request of Mr. LAUTENBERG, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 3416, a bill to amend section 40122(a) of title 49, United States Code, to improve the dispute resolution process at the Federal Aviation Administration, and for other purposes.

S. 3429

At the request of Mr. SCHUMER, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 3429, a bill to amend the Internal Revenue Code to provide for an increased mileage rate for charitable deductions.

S. 3484

At the request of Mr. SPECTER, the names of the Senator from Michigan (Ms. STABENOW), the Senator from New York (Mr. SCHUMER), the Senator from New York (Mrs. CLINTON), the Senator from Vermont (Mr. SANDERS) and the Senator from New Jersey (Mr. LAUTENBERG) were added as cosponsors of S. 3484, a bill to provide for a delay in the phase out of the hospice budget neutrality adjustment factor under title XVIII of the Social Security Act.

S. 3487

At the request of Mr. KENNEDY, the names of the Senator from New Hampshire (Mr. GREGG) and the Senator from Washington (Mrs. MURRAY) were added as cosponsors of S. 3487, a bill to amend the National and Community Service Act of 1990 to expand and improve opportunities for service, and for other purposes.

S. 3505

At the request of Mrs. LINCOLN, the name of the Senator from Kansas (Mr.



ROBERTS) was added as a cosponsor of S. 3505, a bill to amend title XVIII of the Social Security Act to provide for the coverage of home infusion therapy under the Medicare Program.

S. 3507

At the request of Mr. REED, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 3507, a bill to provide for additional emergency unemployment compensation.

S. 3511

At the request of Mrs. CLINTON, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 3511, a bill to direct the Librarian of Congress and the Secretary of the Smithsonian Institution to carry out a joint project at the Library of Congress and the National Museum of African American History and Culture to collect video and audio recordings of personal histories and testimonials of individuals who participated in the Civil Rights movement, and for other purposes.

S. 3538

At the request of Mr. GRASSLEY, the names of the Senator from Tennessee (Mr. CORKER), the Senator from Arkansas (Mrs. LINCOLN), the Senator from Nebraska (Mr. NELSON) and the Senator from Kansas (Mr. ROBERTS) were added as cosponsors of S. 3538, a bill to amend the Food, Conservation, and Energy Act of 2008 to suspend a prohibition on payments to certain farms with limited base acres for the 2008 and 2009 crop years, to extend the signup for direct payments and counter-cyclical payments for the 2008 crop year, and for other purposes.

S. 3547

At the request of Mr. NELSON of Florida, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 3547, a bill to establish in the Federal Bureau of Investigation the Nationwide Mortgage Fraud Coordinator to address mortgage fraud in the United States, and for other purposes.

S. RES. 662

At the request of Mr. REID, the name of the Senator from Illinois (Mr. OBAMA) was added as a cosponsor of S. Res. 662, a resolution raising the awareness of the need for crime prevention in communities across the country and designating the week of October 2, 2008, through October 4, 2008, as "Celebrate Safe Communities" week.

S. RES. 664

At the request of Mrs. DOLE, the name of the Senator from New Hampshire (Mr. GREGG) was added as a cosponsor of S. Res. 664, a resolution celebrating the centennial of Union Station in Washington, District of Columbia.

S. RES. 665

At the request of Mr. THUNE, his name was added as a cosponsor of S. Res. 665, a resolution designating October 3, 2008, as "National Alternative Fuel Vehicle Day".

At the request of Mr. BYRD, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. Res. 665, *supra*.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LIEBERMAN (for himself, Mr. BOND, Mr. VOINOVICH, and Mrs. CLINTON):

S. 3552. A bill to conserve the United States fish and aquatic communities through partnerships that foster fish habitat conservation and improve the quality of life for the people of the United States and for other purposes; to the Committee on Environment and Public Works.

Mr. LIEBERMAN. Mr. President, I rise to speak about the National Fish Habitat Conservation Act, which I am introducing today along with my colleagues Senators BOND and VOINOVICH. This legislation would establish the most comprehensive effort ever attempted to treat the causes of fish habitat decline.

Healthy waterways and robust fish populations are vital to the well-being of our society. They provide clean water and sustainable fisheries. They also provide recreational value to those who fish wild waters or canoe tranquil streams. Unfortunately, today 40 percent of our fish populations are in decline and half of our waters are impaired. Unless we act in an informed and coordinated fashion, fish habitats will continue to be lost.

Our Nation's current efforts to address threats to fish species are often highly fragmented and not comprehensive enough to reverse this downward trend. Under the National Fish Habitat Conservation Act, Federal Government agencies, state and local governments, conservation groups, fishing industry groups, and businesses will work together collectively for the first time to conserve and protect aquatic habitats.

This legislation leverages Federal, State and private funds to build regional partnerships aimed at addressing the nation's biggest fisheries problems. By directing critical new resources towards the nation's fish and aquatic communities through these partnerships, we can foster fish habitat conservation efforts and improve the quality of life for the American people. Using a bottom-up approach, the goal of this effort is to foster landscape scale, multi-state aquatic habitat improvements across the country that perpetuate not only fishery resources but the tradition of recreational fishing.

The National Fish Habitat Conservation Act authorizes \$75 million annually to be directed toward fish habitat projects that are supported by regional Fish Habitat Partnerships. Based on the hugely successful North American Wetlands Conservation Act model, this legislation establishes a multi-stakeholder National Fish Habitat Board charged with recommending projects to

the Secretary of Interior for funding. Regional Fish Habitat Partnerships are responsible for implementing approved on-the-ground projects that are designed to protect, restore and enhance fish habitats and fish populations.

The National Fish Habitat Conservation Act lays the foundation for a new paradigm of how fish habitats should be protected and preserved. This bill will bring together all of the different groups that have a stake in the health and productivity of our nation's fish habitats and I look forward to working with my colleagues to pass this important legislation.

Mr. BOND. Madam President, today, along with my colleagues Senators LIEBERMAN and VOINOVICH, I am introducing the National Fish Habitat Conservation Act. This legislation will enable us to stop the causes of fish habitat decline throughout the Nation.

Preventing the decline of fish species and their habitat will require everyone working together. Under the National Fish Habitat Conservation Act, Federal Government agencies, State and local governments, conservation groups, fishing industry groups, and businesses will all work together to preserve our aquatic habitats.

Together, they will improve waterways vital to securing a robust fish population. The well-being of our water resources is essential not only for healthy fish but also those who boat through beautiful streams and fish in wild waters for recreational entertainment. This, however, may not be an option if we do not take action now. As of today, 40 percent of the fish population is in decline and half of our waters have become weakened and polluted.

The National Fish Habitat Conservation Act will authorize \$75 million every year to fund local fish habitat projects supported by regional Fish Habitat Partnerships. This bill creates a multistakeholder National Fish Habitat Board that will recommend projects to the Secretary of the Interior for funding. This idea draws from the already successful North American Wetlands Conservation Act model, which has benefited wetlands in America, Canada, and Mexico. The Regional Fish Partnerships will also be called on to execute approved on-the-ground projects designed to ensure the improvement of the fish population and habitat.

By using a bottom-up approach, we will engage those who most directly impact the health of local waterways and fish populations. These partnerships are imperative to our efforts in conserving the fish species and our goal of improving the quality of life for the American people.

I am thankful to Senator LIEBERMAN for his work on this bipartisan effort and encourage all of my colleagues to join our efforts to protect fish and fish habitat.

By Mr. SMITH (for himself and Mr. LIEBERMAN):

S. 3554. A bill to provide employees of small employers with access to quality, affordable health insurance coverage; to the Committee on Finance.

Mr. SMITH. Mr. President, today I introduce the Affordable Coverage for Small Employers Act of 2008, with my colleague, Senator JOSEPH LIEBERMAN. This legislation would tackle one of the nation's most pressing domestic challenges, ensuring all Americans have access to affordable, high quality health care. While the Affordable Coverage for Small Employers Act may not be the panacea to all of our Nation's healthcare woes, I believe it is a reasonable first step along the path of reform and it represents a viable solution to cover the uninsured.

In my view, that solution begins with helping small employers gain access to affordable, high quality health insurance. Over half of the Nation's uninsured has a connection to a business that employs fewer than 100 employees. By extending access to affordable health coverage to those individuals through their employers, we can make significant progress in reducing the number of Americans who do not have health insurance.

Broadly, the Affordable Coverage for Small Employers Act incentivizes reform of the existing small group market so employers have access to affordable coverage options to meet their particular needs. It provides national direction to ensure consistency across the entire system, but relies upon the existing infrastructure forged by the States and the private market to ultimately provide new coverage options for small employers. Additionally, it provides graduated, income-sensitive subsidies through tax credits to low-income individuals to help offset the cost of their health coverage. It also provides graduated tax credits to small employers who contribute at least 50 percent toward the cost of their employees' premiums to encourage them to purchase coverage through new, regional purchasing exchanges.

One of the key principles of the proposal is regional cooperation. The existing system of state-based regulation of the small group market has resulted in a great deal of inefficiency in the marketing and selling of health coverage products. One of the key elements of reform from the Federal perspective should be encouraging regional cooperation—and consistency of regulation—across State lines. The Affordable Coverage for Small Employers Act accounts for this by apportioning States with similar existing insurance regulations into new "Health Coverage Exchange Regions." Each of these regions will be charged with developing a common set of rating guidelines so that all insurance products sold in the health coverage exchange are regulated by the same set of rules. Over time, such common regulatory policies will have the effect of stabilizing the small group market, and generating efficiencies that could lead to longterm

stabilization of premium cost increases.

A stakeholder board will govern each Health Coverage Exchange Region and must include at a minimum representatives from the insurance commissioners from all member States. That way, States will be the driving force in determining how to harmonize existing rating guidelines to improve stability in the small group market. Each Regional Board will have the flexibility to develop its own common rating guidelines, in addition to allowing other hard-to-cover groups, like sole proprietors and individuals, to participate in programs sponsored by the Health Coverage Exchange Region.

While adoption of the common rating guidelines is voluntary, the Affordable Coverage for Small Employers Act provides States with generous incentives to do so. First, small employers in a given State will be unable to purchase health coverage through its region's Health Coverage Exchange unless their State has adopted the common guidelines. Additionally, small employers and employees only will have access to the Federal subsidies once the guidelines are adopted. Change can be difficult, especially in regard to reform of current regulatory structures. The bill recognizes this fact by allowing States a strong voice in developing the common rating guidelines, as well as additional flexibility to implement such guidelines in special cases where they differ significantly from existing policy.

Another key issue the Affordable Coverage for Small Employers Act addresses is that of ensuring small employers, regardless of their location, has access to a comprehensive health benefit package. We should not expect our small employers to settle for coverage that is far less comprehensive than what a majority of Americans have access to. Congress can and should do better on this front, and the proposal does. All small employers will have access to a standard benefit package that mirrors the benefits available to Members of Congress and other Federal employees. Over time, this benefit package will be updated to ensure that covered services reflect advances in medical science and are supported by sound, evidence-based research.

While the Affordable Coverage for Small Employers Act leaves most responsibility for day-to-day operations of the Health Coverage Exchange to state-based regional boards, it recognizes the need for uniformity across the entire system by creating a National Health Coverage Policy Board comprised of key stakeholders representing the health care field. This Executive-appointed, independent body will apportion States into Health Coverage Exchange Regions and set broad policy guidelines for the overall system. While I firmly believe the reforms needed to improve access in the small group market should occur at the State level, there needs to be a na-

tional presence in the overall effort to ensure health care quality, greater regulatory consistency and maximize administrative efficiencies.

I also would like to comment on the subsidies available in the legislation. Researchers and policymakers alike are well aware that there are some working Americans who simply will be unable to afford the cost of health insurance no matter how inexpensive it might be. The rhetoric surrounding the issue of the uninsured always includes reference to making health insurance more affordable and I fully support that intent. In the work Senator LIEBERMAN and I have done on this issue, we have found that there are very few politically viable reform policies that would significantly reduce the cost of health coverage for small employers. We can implement initiatives to increase market efficiencies and provide employers with more coverage options, but those efforts still will not always make health coverage affordable for all Americans. In our proposal, allocating targeted, advanceable and refundable tax credits to those who need them is the Federal Government's primary responsibility.

To further encourage participation in the Exchange and to recognize the important role employers have in funding health benefits, the Affordable Coverage for Small Employers Act also includes advanceable, refundable tax credits for employers. Employers that contribute at least 50 percent of employees' premiums would be eligible for these tax credits to help offset the cost of their share of health coverage. I believe this approach will help employers who may be struggling to make ends meet and provide their employees the health coverage they need to stay healthy and productive.

It is essential that Congress act on this issue. We owe it to our small employers to ensure they have the same health benefit options available to them as larger employers, whose size and structure allow them to self-fund insurance coverage for their employees. The small business community is the backbone of the American economy, representing over 99 percent of all the Nation's businesses. But we often fail to recognize the essential role small businesses play in the economy. Each year, they provide approximately 75 percent of new jobs; account for over half of private sector output; and provide 40 percent of private sales. Small businesses represent the realization of the American dream. However, even with all their successes, there are many challenges that threaten their continued vitality.

In the unfurling healthcare reform debate, there is no shortage of innovative ideas. Aggressive proposals have been introduced on both sides of the aisle just this year. With over 46 million Americans uninsured and many more struggling with the cost of coverage, the time has come for Congress

to seriously reform our health care system to ensure all Americans have access to care. Should support exist to pursue a comprehensive change, there are several proposals that hold a number of good ideas that combine the best of private and public section ingenuity. Recognizing that many people like receiving their health insurance through their employer; Congress may choose to pursue a more incremental approach—focusing first on fixing the part of the system that is not working—the small group market. For a reform debate to be successful, we need to bring all key stakeholders to the negotiating table, including employers. We share common problems, and we must work to develop common solutions.

As Congress continues its discussion of healthcare reform; I am hopeful that the concepts included in this proposal will be given full consideration as we begin to develop solutions to the difficult, long-standing problems in the health insurance market. I look forward to working with my colleagues on both sides of the aisle to craft policies that significantly expand small employers' access to quality health insurance coverage. This is the help they deserve, and this is the help that I know we can give them if we put our ideological differences aside and begin working together to make real progress on this issue.

Mr. LIEBERMAN. Mr. President, I am pleased to cosponsor Senator SMITH's small business health care bill, the Affordable Coverage for Small Employers Act of 2008. The health of our Nation's most vulnerable citizens is too often neglected because they lack the income to access our languishing health care system. This legislation marshals our resources in response to the health care challenge. First, it recognizes that employees, and their families, should not have to forgo health insurance merely because they work for a small business. Second, it provides small business owners the assistance they need to obtain health coverage for their workers. Consequently, this bill offers small business workers and their families, the security many of us take for granted, by providing them access to medical care through a free and independently-regulated market.

The health care problem is nearly ubiquitous. Our fellow citizens who lack insurance increasingly find access to care insuperable. As they are denied care they increasingly stress the delivery system by seeking care from providers of last-resort, such as emergency rooms. Emergency room visits reached an all-time high in 2006. Americans visited the ER more than 119 million times that year, and the number of visits to our hospitals' emergency rooms grew 46 percent in the last 10 years. Researchers have examined the link between patient access and utilization of providers of last-resort. Health policy experts have definitively shown that patients who cannot promptly and con-

sistently access quality medical care subsequently choose to forgo care and eventually seek treatment in emergency rooms. Medical care received in emergency rooms and hospitals as a result of neglected ailments nearly always cost more than the care forgone. In the end, patients suffer an increased rate of adverse medical outcomes; outcomes that could have been prevented and medical expenses that could have been avoided.

More than half of the Nation's 47 million uninsured individuals are employed by, or have family members who are employed by, a business with fewer than 100 employees. Smaller businesses are substantially less likely to offer their employees health coverage than larger businesses. The smaller a business is, the less likely it offers health benefits. The lack of insurance—and thus access to care prior to safety-net providers—is particularly galling among low-income workers. Research indicates that small business owners want to offer their employees health benefits but do not, because either they cannot afford to or they know their employees lack the income to enroll. In a recent poll conducted by the Employee Benefit Research Institute, 47 percent of small businesses said they would be somewhat likely to offer health benefits if they were offered a tax credit and 30 percent said they were much more likely to offer health benefits.

A bipartisan approach is the only viable solution in dealing with a problem of this size. I am pleased to introduce this bill along with Senator SMITH. I am also pleased to see several other health care bills also brought forward with bipartisan support. In prior years, politics instead of policy limited the practical options for health care reform. As a result, the Congress did not address the problem in a significant way. We must look past the assignment of political victors and losers when we champion health care legislation. In the absence of reform, the real losers are our fellow citizens suffering from preventable diseases because they could not go to the doctor or did not receive care in time. They will not benefit from a merely political victory. However, while we have the means to provide succor but fail to act, they most certainly lose.

Any effort to reform health care needs to be deliberate. Our Government was established to prevent rash policymaking. Perhaps with the opportunity design health insurance from scratch, we would not rely on employers to provide coverage as a benefit. Nevertheless, our burden is to transform the system we have in order to make it work for every American. We need to assist employers who are nearly, but not quite, capable of offering insurance coverage and reward employers who have already made investments in the health of their employees.

The Affordable Coverage for Small Employees Act will help small busi-

nesses and their employees obtain and retain coverage. Moreover, it provides a framework for expanding coverage across the Nation. First, this bill offers tax credits to employers and employees of small businesses in order to abet their purchase of health insurance. Employers paying for a larger portion of their employee's coverage are rewarded with a larger credit. Employees who make a lower income receive more assistance. Without an incentive, it is highly likely that these individuals will not receive the comprehensive coverage they need and the security that comes with it.

Financial incentives alone are not enough though. Small businesses face larger administrative costs than large businesses, and consumers in the individual market face higher premiums than consumers in group plans. This bill will create a working and competitive marketplace through regional health boards. These boards will allow for businesses and employees to shop for medical coverage from multiple insurers, and even across State lines. These boards will establish a health-coverage "exchange" whose main objectives will be to serve as a central purchasing site for health coverage, to provide information to purchasers and consumers about participating health plans, to facilitate and streamline enrollment, and to ensure health plan compliance with minimum operating and quality standards.

Third, in order to protect consumers, an independent advisory board, the National Policy Board, in conjunction with the National Academies of Sciences' Institute of Medicine, will establish a standard benefit package in order that employees receive the coverage they need. An independent body provides the governance needed to regulate this complex marketplace while retaining insulation from the interested parties that would seek to benefit themselves at the expense of others.

There already exists evidence that this approach will work. Several States are experimenting with various forms of tax credits to expand coverage. In Oklahoma and Arizona employees and employers are being helped through tax credits to secure insurance. The initial results of these programs have been encouraging. The Federal Government has been paralyzed for too long, debating which policy prescriptions will yield success at an affordable cost. These "laboratories of democracy" are leading the way and this legislation follows in their spirit.

The road to substantial health care reform has been long but the path in front of us is lit brighter than the path behind us when we travelled it. Over the preceding years, our knowledge of what works, what is feasible, and what is improbable has grown immeasurably. With this knowledge and a kindred spirit, I am certain we can guarantee the best health care for every American.

By Mr. LEVIN (for himself and Ms. STABENOW):

S. 3555. A bill to establish a pilot program to provide for the preservation and rehabilitation of historic lighthouses; to the Committee on Energy and Natural Resources.

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

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

S. 3555

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

#### SECTION 1. SHORT TITLE.

This Act may be cited as the “National Lighthouse Stewardship Act of 2008”.

#### SEC. 2. FUNDING FOR HISTORIC LIGHTHOUSE PRESERVATION.

Title III of the National Historic Preservation Act (16 U.S.C. 470w et seq.) is amended by adding at the end the following:

##### “SEC. 310. NATIONAL LIGHTHOUSE STEWARDSHIP PILOT PROGRAM.

“(a) DEFINITIONS.—In this section:

“(1) ELIGIBLE ENTITY.—The term ‘eligible entity’ means a State, unit of local government, or nonprofit organization that—

“(A) provides financial assistance and grants to local governmental units and nonprofit organizations to preserve and maintain historic lighthouse structures;

“(B) owns a lighthouse that is listed or eligible for listing on the National Register; or

“(C) has a right to maintain and rehabilitate a lighthouse described in subparagraph (B) that is owned by the Federal Government.

“(2) FUND.—The term ‘Fund’ means the National Lighthouse Stewardship Fund established by subsection (c)(1).

“(b) LIGHTHOUSE STEWARDSHIP PILOT PROGRAM.—

“(1) IN GENERAL.—The Secretary shall establish a 3-year pilot program under which the Secretary shall use amounts made available under subsection (c)(3) to provide grants to eligible entities to preserve and rehabilitate historic lighthouse structures.

“(2) DISTRIBUTION TO ELIGIBLE ENTITIES.—

“(A) APPLICATION.—To be eligible for a grant under this subsection, an eligible entity shall submit to the Secretary an application at such time, in such form and manner, and including such information as the Secretary may require.

“(B) APPROVAL OR DISAPPROVAL.—Based on criteria established by the Secretary, the Secretary shall approve or disapprove an application submitted under subparagraph (A).

“(C) AVAILABILITY OF GRANT FUNDS.—

“(i) IN GENERAL.—On approval of an application under subparagraph (B), the Secretary shall make the grant funds available to the eligible entity.

“(ii) USE OF EXISTING FUNDS.—To the maximum extent practicable, the Secretary shall provide funding through existing lighthouse grant programs administered by State governments.

“(c) NATIONAL LIGHTHOUSE STEWARDSHIP FUND.—

“(1) ESTABLISHMENT.—There is established in the Treasury of the United States a fund, to be known as the ‘National Lighthouse Stewardship Fund’, consisting of such amounts as are appropriated to the Fund under paragraph (2).

“(2) TRANSFERS TO FUND.—There are appropriated to the Fund, out of funds of the Treasury not otherwise appropriated, amounts equivalent to amounts collected as

taxes and received in the Treasury under section 60301 of title 46, United States Code, but not more than \$20,000,000 for any 1 fiscal year.

“(3) USE OF FUND.—The Secretary of the Treasury shall transfer amounts deposited in the Fund for each fiscal year to the Secretary to provide grants to eligible entities in States based on the ratio that—

“(A) the total number of lighthouses in the State; bears to

“(B) the total number of lighthouses in the Inventory of Historic Light Stations prepared by the Secretary.

“(4) AVAILABILITY.—Amounts in the Fund shall remain available until expended, without fiscal year limitation.”.

By Mr. WYDEN (for himself and Mr. BARRASSO):

S. 3556. A bill to improve the administration of the Minerals Management Service; to the Committee on Energy and Natural Resources.

Mr. WYDEN. Mr. President, today Senator BARRASSO and I are introducing legislation to reform the Minerals Management Service at the U.S. Department of Interior. Most Americans have probably never heard of the Minerals Management Service. At least they hadn’t heard of it until the Inspector General of the Interior Department issued a report a couple of weeks ago documenting sordid details of MMS employees accepting gifts and dinners and drugs and sex from employees of the oil and gas companies they were supposed to be doing business with on behalf of American taxpayers.

The MMS is responsible for collecting over \$10 billion a year in lease and royalty payments from companies that drill for oil and gas and mine coal and minerals on our Federal public lands, both onshore and offshore. MMS is also the agency that actually issues the leases for drilling to oil and gas companies off our coasts. And when you hear the call for more oil drilling just remember that it is MMS that’s responsible for issuing those leases and making sure that oil and gas companies protect the environment and pay their fair share of royalties to the American people. And that should give everyone pause.

Two years ago, I stood here on the floor and spoke for several hours to draw the Senate’s attention to the mismanagement of our offshore oil and gas leasing program involving MMS and the royalty relief program. The problem then was the failure of MMS to include a key clause in almost 1,000 leases that would have required oil and gas companies to pay the U.S. Treasury higher royalties if the price of oil and gas increased.

The law MMS was supposed to be implementing was originally written back in the mid-1990’s when oil prices were low—around \$15 a barrel, to encourage drilling by giving oil companies a break on paying royalties on new leases in the Gulf of Mexico. The royalties didn’t kick in until the price of oil rose to a certain point where the companies would make a profit. Oil prices, as we now know, didn’t stay low, but it

turns out that “royalty relief” didn’t phase out the way it should have. We learned that the MMS had bungled things so badly that they forgot to include provisions in their leases requiring any royalties on those particular leases.

At the time, the Government Accountability Office estimated that this single dereliction of duty—which covered leases issued between 1995 and 2000—would cost American taxpayers as much as \$11.5 billion . . . and that was based on oil prices of between \$50 and \$70 dollars—half of what oil prices have been this year. GAO recently updated that amount to as much as \$14.7 billion. We held hearings on this problem in the Energy Committee but the bottom line is that nothing has been done to fix this problem.

We have also learned from Inspector General and from agency whistleblowers that MMS has essentially stopped conducting audits of the billions of dollars of royalty payments it collects, and it has allowed oil and gas companies to improperly change the amount they owe by allowing them to self-report adjustments to their royalties affecting millions of dollars in payments.

Most recently, the Inspector General for the Department of Interior, Earl Devaney, has issued a report that details his office’s criminal investigation into the Royalty-in-Kind program at the Minerals Management Service. Under the Royalty-in-Kind program, oil and gas companies are allowed to pay their royalties to the Federal Government not in dollars, but by physically delivering barrels of oil or cubic feet of gas to MMS. MMS, in turn, is responsible for selling that oil and gas and turning the proceeds over to the Treasury. The Inspector General found that instead of putting the American people first, employees of the RIK program put themselves first. Mr. Devaney’s investigation, in his words, found “a culture of ethical failure.”

I am not going to go through all of the sordid details of what the IG found, but I do ask unanimous consent to include his four page summary following my remarks.

The bottom line is that this is an agency that is broken and needs to be fixed. The legislation that Sen. BARRASSO and I are introducing will start to fix it.

The legislation has five major components

It requires that the head of the MMS be appointed by the President and must be confirmed by the Senate. MMS is the only major bureau within the Interior Department that does not require its director to be confirmed by the Senate.

It requires MMS to implement a comprehensive audit program, including on-site financial audits of royalty payments.

It gives the Secretary of the Interior 60 days to implement all of the Inspector General’s recommendations from

both the May business practices report and the more recent September ethics report. If that deadline is not met, the Royalty-in-Kind (RIK) Program would be suspended.

It requires the Secretary to annually "re-certify" that the RIK program meets all Federal ethics and procurement laws and regulations. If that recertification is not completed, the RIK program would be suspended.

It directs the Inspector General to annually review the MMS program, including the RIK certification process.

I am pleased that Sen. BARRASSO, the ranking Republican member of the Subcommittee on Public Lands and Forests, which I chair, has agreed to be an original cosponsor of this bill. While it does not specifically address every single problem at MMS, it will begin to establish some basic accountability in an agency that has demonstrated that it has none.

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

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

S. 3556

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

#### SECTION 1. MINERALS MANAGEMENT SERVICE.

(a) DEFINITIONS.—In this section:

(1) DEPARTMENT.—The term "Department" means the Department of the Interior.

(2) DIRECTOR.—The term "Director" means the Director of the Service.

(3) ROYALTY-IN-KIND PROGRAM.—The term "royalty-in-kind program" means the program established under—

(A) section 342 of the Energy Policy Act of 2005 (42 U.S.C. 15902);

(B) section 36 of the Mineral Leasing Act (30 U.S.C. 192);

(C) section 27 of the Outer Continental Shelf Lands Act (43 U.S.C. 1353); or

(D) any other similar provision of law.

(4) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(5) SERVICE.—The term "Service" means the Minerals Management Service.

(b) ESTABLISHMENT.—The Secretary shall—

- (1) establish and maintain within the Department the Minerals Management Service; and

- (2) assign to the Service such functions as the Secretary considers appropriate.

(c) DIRECTOR.—The Service shall be headed by a Director who shall be appointed by the President, by and with the advice and consent of the Senate.

(d) AUDITS.—

(1) ROYALTY AUDITS.—The Director shall ensure that the Service implements a comprehensive program of financial audits of royalty payments and adjustments, including physical on-site audits, on the basis of risk and statistical samples.

(2) STANDARDS.—Not later than 90 days after the date of enactment of this Act, the Director shall promulgate regulations that—

(A) require that all employees of the Service that conduct audits and compliance reviews meet professional auditor qualifications that are consistent with the latest revision of the Government Auditing Standards published by the Government Accountability Office; and

(B) ensure that all audits conducted by the Service are performed in accordance with the standards.

(3) INSPECTOR GENERAL.—The Inspector General of the Department shall—

(A) conduct, annually and as necessary, audits of activities of the Service, including leasing and royalty activities; and

(B) report the results of the audits of activities of the Service (including leasing and royalty activities) and the certifications required under subsection (e) to—

(i) the Committee on Energy and Natural Resources of the Senate;

(ii) the Committee on Natural Resources of the House of Representatives; and

(iii) the Secretary.

(e) ROYALTIES-IN-KIND PROGRAM.—

(1) INITIAL CERTIFICATION.—Subject to paragraph (3), not later than 60 days after the date of enactment of this Act, the Secretary shall submit to Congress a certification that all of the recommendations made by the Office of the Inspector General of the Department as the result of investigations that culminated in a memorandum dated September 9, 2008, and a report dated May 2008 (C-EV-MMS-001-2008), with respect to the royalty-in-kind program have been implemented.

(2) ANNUAL CERTIFICATIONS.—Subject to paragraph (3), not later than 1 year after the date of enactment of this Act and each year thereafter, the Secretary shall submit to Congress a certification that the royalty-in-kind program is in full compliance with Federal law (including regulations) governing procurement and ethics.

(3) SUSPENSION.—Notwithstanding any other provision of law, if the Secretary fails to make a certification required under paragraph (1) or (2), the authority of the Secretary to carry out each royalty-in-kind program is suspended during the period—

(A) beginning on the day after the deadline for the certification under that paragraph; and

(B) ending on the date the Secretary makes the certification required under that paragraph.

#### UNITED STATES DEPARTMENT OF THE INTERIOR MEMORANDUM

To: Secretary Kempthorne

From: Earl E. Devaney, Inspector General

Subject: OIG Investigations of MMS Employees

This memorandum conveys the final results of three separate Office of Inspector General (OIG) investigations into allegations against more than a dozen current and former Minerals Management Service (MMS) employees. In the case of one former employee, Jimmy Mayberry, he has already pled guilty to a criminal charge. The cases against former employees, Greg Smith and Lucy Querques Dennet, were referred to the Public Integrity Section of the Department of Justice (DOJ). However, that office declined to prosecute. The remaining current employees await your discretion in imposing corrective administrative action. Others have escaped potential administrative action by departing from federal service, with the usual celebratory send-offs that allegedly highlighted the impeccable service these individuals had given to the Federal Government. Our reports belie this notion.

Collectively, our recent work in MMS has taken well over two years, involved countless OIG human resources and an expenditure of nearly \$5.3 million of OIG funds. Two hundred thirty-three witnesses and subjects were interviewed, many of them multiple times, and roughly 470,000 pages of documents and e-mails were obtained and reviewed as part of these investigations.

I know you have shared my frustration with the length of time these investigations have taken, primarily due to the criminal nature of some of these allegations, pro-

tracted discussions with DOJ and the ultimate refusal of one major oil company—Chevron—to cooperate with our investigation. Since you have already taken assertive steps to replace key leadership and staff in the affected components of MMS, I am confident that you will now act quickly to take the appropriate administrative action to bring this disturbing chapter of MMS history to a close.

#### A CULTURE OF ETHICAL FAILURE

The single-most serious problem our investigations revealed is a pervasive culture of exclusivity, exempt from the rules that govern all other employees of the Federal Government.

In the matter involving Ms. Dennet, Mr. Mayberry and Milton Dial, the results of this investigation paint a disturbing picture of three Senior Executives who were good friends, and who remained calculatedly ignorant of the rules governing post-employment restrictions, conflicts of interest and Federal Acquisition Regulations to ensure that two lucrative MMS contracts would be awarded to the company created by Mr. Mayberry—Federal Business Solutions—and later joined by Mr. Dial. Ms. Dennet manipulated the contracting process from the start. She worked directly with the contracting officer, personally participated on the evaluation team for both contracts, asked for an increase to the first contract amount, and had Mayberry prepare the justification for the contract increase. Ms. Dennet also appears to have shared with Mr. Mayberry the Key Qualification criteria upon which bidders would be judged, two weeks before bid proposals on the first contract were due.

In the other two cases, the results of our investigation reveal a program tasked with implementing a "business model" program. As such, Royalty in Kind (RIK) marketers donned a private sector approach to essentially everything they did. This included effectively opting themselves out of the Ethics in Government Act, both in practice, and, at one point, even explored doing so by policy or regulation.

Not only did those in RIK consider themselves special, they were treated as special by their management. For reasons that are not at all clear, the reporting hierarchy of RIK bypassed the one supervisor whose integrity remained intact throughout, Debra Gibbs-Tschudy, the Deputy Associate Director in Denver, where RIK is located. Rather, RIK was reporting directly to Associate Director Dennet, who was located some 1500 miles away in Washington, DC, and to whom the unbridled, unethical conduct of RIK employees was apparently invisible (although the Associate Director had been made aware of the plan by RIK to explore more formal exemption from the ethics rules.)

More specifically, we discovered that between 2002 and 2006, nearly 1/3 of the entire RIK staff socialized with, and received a wide array of gifts and gratuities from, oil and gas companies with whom RIK was conducting official business. While the dollar amount of gifts and gratuities was not enormous, these employees accepted gifts with prodigious frequency. In particular, two RIK marketers received combined gifts and gratuities on at least 135 occasions from four major oil and gas companies with whom they were doing business—a textbook example of improperly receiving gifts from prohibited sources. When confronted by our investigators, none of the employees involved displayed remorse.

We also discovered a culture of substance abuse and promiscuity in the RIK program—both within the program, including a supervisor, Greg Smith, who engaged in illegal drug use and had sexual relations with subordinates, and in consort with industry. Internally, several staff admitted to illegal

drug use as well as illicit sexual encounters. Alcohol abuse appears to have been a problem when RIK staff socialized with industry. For example, two RIK staff accepted lodging from industry after industry events because they were too intoxicated to drive home or to their hotel. These same RIK marketers also engaged in brief sexual relationships with industry contacts. Sexual relationships with prohibited sources cannot, by definition, be arms-length.

Finally, we discovered that two of the RIK employees who accepted gifts also held inappropriate outside employment and failed to properly report the income they received from this work on their financial disclosure forms. Smith, in particular, deliberately secreted the true nature of his outside employment—he pitched oil and gas companies that did business with RIK to hire the outside consulting firm—to prevent revealing what would otherwise, at a minimum, be a clear conflict of interest.

#### CONCLUSION

As you know, I have gone on record to say that I believe that 99.9 percent of DOI employees are hard-working, ethical and well-intentioned. Unfortunately, from the cases highlighted here, the conduct of a few has cast a shadow on an entire bureau.

In summary, our investigation revealed a relatively small group of individuals wholly lacking in acceptance of or adherence to government ethical standards; management that through passive neglect, at best, or purposeful ignorance, at worst, was blind to easily discernible misconduct; and a program that had aggressive goals and admirable ideals, but was launched without the necessary internal controls in place to ensure conformity with one of its most important principles: “Maintain the highest ethical and professional standards.” This must be corrected.

#### RECOMMENDATIONS

In conclusion, we offer the following Recommendations.

1. Take appropriate administrative corrective action.

Some very serious misconduct is identified in these reports. While the OIG generally does not take a position concerning what administrative corrective action might be appropriate in any given matter, in this instance there may be significant enough misconduct to warrant removal for some individuals. Given the unwillingness of some to acknowledge their conduct as improper, the subjects of our reports should be carefully considered for a life-time ban from working in the RIK program.

2. Develop an enhanced ethics program designed specifically for the RIK program.

Given the RIK culture, an enhanced ethics program must be designed for RIK, including, but not limited to, (1) an explicit prohibition against acceptance of any gifts or gratuities from industry, regardless of value; (2) a robust training program to include written certification by employees that they know and understand the ethics requirements by which they are bound; and (3) an augmented MMS Ethics Office.

3. Develop a clear, strict Code of Conduct for the RIK program.

A fundamental Code of Conduct with clear obligations, prohibitions, and consequences appears to be necessary to repair the culture of misconduct in the RIK program. This code should include a clear prohibition against outside employment with the oil and gas industry or consultants to that industry. Given the considerable financial responsibilities involved, MMS should also consider implementing a Random Drug Testing program specifically for RIK.

4. Consider changing the reporting structure of RIK.

The management reporting structure of the RIK program must be seriously reconsidered. Given the challenges that will be faced in rebuilding this program, it seems imperative that RIK have management oversight in immediate proximity, not some 1,500 miles away in Washington, DC.

If you have any questions, please do not hesitate to contact me at (202) 208-5745.

By Mr. SCHUMER (for himself,  
Mr. SESSIONS, and Mr. LEAHY):

S. 3569. A bill to make improvements in the operation and administration of the Federal courts, and for other purposes; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, I am pleased to join Senators SCHUMER and SESSIONS in introducing a bipartisan bill that would greatly improve the administration and efficiency of our Federal court system. The Judicial Administration and Technical Amendments Act of 2008 is an attempt to assist the Federal judiciary by replacing antiquated processes and bureaucratic hurdles with the necessary tools for the 21st century.

I previously introduced a court improvement bill in the 108 Congress. I hope the bill we introduce today will pass the full Senate with unanimous support and not be held up by a Republican objection like the similar measure I introduced 4 years ago. I have also supported past legislative proposals from the Judicial Conference to improve the administration of justice in our Federal courts.

In recent years, the job of the Federal judge has changed considerably. Today, Federal judges at both the trial and appellate level are hearing more cases with fewer available judicial resources. We have a responsibility to pass legislation that helps them keep up with changing times and circumstances.

Our independent judiciary is the envy of the world, and we must take care to protect it. Just as it is the judiciary's duty to deliver justice in a neutral and unbiased manner, it is the duty of the legislative branch to provide the requisite tools for the women and men who honorably serve on our judiciary to ably fulfill their critical responsibilities.

The legislation we introduce today contains technical and substantive proposals carried over from previous Congresses. The legislation also contains additional proposals that the Federal judiciary believes will improve its operations and allow it to continue to serve as a bulwark protecting our individual rights and liberties.

First, the provisions in the bill facilitate and update judicial operations. For example, the bill would authorize realignments in the place of holding court in specified district courts. It also would remove a “public drawing” requirement for the selection of names for jury wheels, which is now a function performed more efficiently by computers. These provisions would add convenience to the men and women—

who as lawyers, litigants, and jurors—appear before our Federal courts.

Second, the bill contains provisions that would improve judicial resource management and strengthen the constitutional protection of Americans' right to serve on juries. The bill would make a juror eligible to receive a \$10 supplemental fee after 10 days of trial service instead of 30 days. Juries serve to vindicate the rights of all Americans, including the poor, the powerless, and the marginalized. I am glad this bill takes steps to ensure that economic hardship will not be an obstacle to an individual performing his or her duty to serve on a jury.

No American should be threatened or intimidated from exercising their right to serve on a jury. This legislation would strengthen the penalties for employers who retaliate against employees serving on jury duty. It would do so by increasing the maximum civil penalty for an employer who retaliates against an employee serving on jury duty from \$1,000 to \$5,000 and add the potential penalty of community service. The bill also provides district courts with the discretion to bring into court those individuals who fail to respond to jury summons, instead of having their appearance mandated by statute. This improvement would empower Federal judges to decide what action is appropriate for those who fail to respond to a jury summons.

Third, in the area of criminal justice, provisions in the bill would also clarify existing law to better fulfill Congress's original intent or to make technical corrections. The bill makes technical corrections to a Federal probation and supervised release statute. By correcting these technical errors, we restore the original intent of Congress, including that intermittent confinement applies to supervised release as well as probation. As a former prosecutor, I am well aware that confinement, even intermittent confinement, is not always the appropriate response. I am glad that this provision includes the proper safeguards and limitations to ensure that intermittent confinement will not be abused.

The legislation would also explicitly authorize the Director of Administrative Office to provide goods and services to pretrial defendants and clarifies similar authority recently made available for post-conviction offenders through the Second Chance Act of 2007. Under current law, there is no explicit statutory authority to provide for services on behalf of offenders who do not suffer from substance abuse problems or psychiatric disorders. This provision would fill in that gap by providing services to pretrial defendants to ensure their appearance at trial.

Finally, the bill would ensure sufficient representation by Federal judges among the members of the Sentencing Commission. In 2003, House Republicans saddled the bipartisan and non-controversial AMBER Alert bill with numerous unrelated and ill-conceived



provisions, collectively known as the "Feeney Amendment," that effectively overturned the basic structure of the carefully crafted sentencing guideline system. The bill we introduce today contains a provision, similar to the JUDGES Act that I cosponsored in 2003, that would reverse the provisions in the Feeney Amendment that limited the number of Federal judges who can serve on the Sentencing Commission. Our Federal judges are experts on sentencing policy, indeed they preside over criminal sentencing proceedings daily; I am glad this restoration has been included.

This important legislation has the support of the Administrative Office of the Courts, on behalf of the Judicial Conference, and senators on both sides of the aisle. Our judiciary needs these improvements to increase its efficiency and administrative operations. I urge my Senate colleagues to quickly pass this noncontroversial legislation.

By Mr. MENENDEZ:

S. 3570. A bill to establish a National Public Health Coordinating Council to assess the impact of Federal health-related socio-economic and environmental policies across Federal agencies to improve the public's health; to the Committee on Health, Education, Labor, and Pensions.

Mr. MENENDEZ. Mr. President, I rise to speak on behalf of the public's health, and I am introducing two pieces of legislation that will help us assure that healthy people live, work and learn in healthy buildings and healthy communities, S. 3570 and S. 3571.

Public health is a shared responsibility of both public and private entities—Federal, State, and local governments, as well as independent organizations and even individuals in their local communities. We all have a role to play, and we must all do more if we are to truly improve the public's health. That is why today I am introducing the Public Health Coordinating Council Act. This bill will establish a National Public Health Coordinating Council, to be chaired by the Assistant Secretary of Health and the Surgeon General. This Council will be a forum to improve interagency communication, coordination and strategic collaboration across Federal agencies. We should have confidence that policies and programs from one office support, rather than undermine, the policies and programs in another office. Unfortunately, I'm not sure that's the case within today's structure.

For example, if the Department of Health and Human Services is working to reduce obesity, the 2nd leading cause of preventable death in the Nation, how well do the policies of the Transportation, Interior or Agriculture departments support these same goals? Are they working on programs to encourage public safety, or physical activity and healthy eating, as they should be?

I look forward to passing this legislation and increasing the Federal Government's effectiveness in protecting the public's health.

Secondly, another significant issue facing our Nation is escalating health care costs from chronic diseases—health conditions that can be reduced if we use our land responsibly and design and manage our local environments wisely.

Our physical environment is not being designed to protect or promote health. The built environment—the places where we live, work, shop, and play—has an enormous impact on health, and can encourage active living and sound nutritional choices. How we plan and build our streets, homes, businesses and schools can either improve or compromise our health, and I am concerned that more often than not, we miss opportunities to get it right.

Uninformed public policy decisions can contribute to health inequities, chronic disease, increased sprawl and traffic, decreased air and water quality, loss of green space and inappropriate siting of facilities and other unwanted health consequences.

However, with good planning, we can intentionally and predictably improve health outcomes, improve individual safety, protect the environment, and lower public costs. For example, when car use was reduced during the 1966 Atlanta Olympic Games, asthma admissions to emergency rooms and hospitals also decreased.

Obese and physically inactive workers have higher health care costs, lower productivity, increased absenteeism and higher workers' compensation claims. In one state, physical inactivity was estimated to cost \$128 per person per year.

So imagine, if 10 percent of Americans began a regular walking program, we could save \$5.6 billion in heart disease costs. If you combine concerns over growing health care costs with concerns over growing waistlines and chronic diseases, it becomes clear very quickly that designing our environment to encourage walking and physical activity is a good investment.

We can improve health outcomes by how we design our environments. People living in the most sprawling counties are likely to weigh on average six pounds more than people in the most compact counties, and are more likely to be obese and have high blood pressure.

We can improve public safety outcomes by how we design our environments. The 10 most sprawling cities had traffic death rates 50 percent higher than the 10 least sprawling.

We can protect our environments by how we design them. Improved land use, design and engineering practices, and conservation and recycling substantially reduce contamination of major public water supplies, and preserve habitats and biodiversity of species.

We can improve social connectedness by how we design our environments.

Building healthy neighborhoods and communities increases social cohesiveness, improves mental health, reduces crime, and allows more seniors to "age in place". Designing our communities with short commuting distances increases time for extracurricular activities for our children, recreation/rejuvenation time after work for adults, and time for family members to spend together or involved in their communities.

My bill, the Health Impact Assessment Act, will encourage community environments that improve, or at least do not harm the public's health. Health Impact Assessments, HIAs, are a relatively new strategy here in this country, although they have been successfully used for years in Europe and elsewhere to protect the public's health.

Public health is generally not examined in the Environmental Impact Statement process in this country. Some innovative researchers and planners are trying HIAs here, including in Los Angeles and Atlanta. One recent example was an HIA for proposed oil and gas development in Alaska's North Slope region. Interestingly, they learned that the local community was concerned about loss of hunting grounds, increased contamination of their food supply and water quality, and an increased trafficking of alcohol and drugs. Their findings included measures to mitigate these health concerns, such as creating a health advisory board and increasing public safety officers, setting up a public health monitoring system and strategies to control spills and contaminants.

My bill requests that the GAO identify what works best for assessing planning, the impact of land use and building design, and social policy on community health. It also creates a national clearinghouse and demonstration program to improve the built environment and promote health. Additionally, it strengthens CDC's capacity to promote HIA processes by developing guidance for assessing the potential health effects of social policy, land use and design, housing, and transportation policy and plans.

I want to thank the National Association of County & City Health Officials, Partnership for Prevention, American College of Preventive Medicine, American Public Health Association, and Trust for America's Health for their help and support of this legislation.

#### SUBMITTED RESOLUTIONS

#### SENATE RESOLUTION 679—COMMEMORATING THE 219TH ANNIVERSARY OF THE UNITED STATES MARSHALS SERVICE

Mr. MARTINEZ (for himself and Mr. NELSON or Florida) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 679

Whereas the Act entitled "An Act to establish the Judicial Court of the United States", approved September 24, 1789 (1 Stat. 73, chapter 20) (commonly known as the "Judiciary Act of 1789"), directed the appointment of United States Marshals and launched the United States Marshals Service;

Whereas the Judiciary Act of 1789 determined that law enforcement would be the primary function of the United States Marshals;

Whereas President George Washington appointed the first 13 United States Marshals soon after signing the Judiciary Act of 1789 into law;

Whereas, during 219 years of service, United States Marshals have executed warrants, distributed presidential proclamations, registered enemy aliens in time of war, and helped conduct the national census;

Whereas, during 219 years of service, United States Marshals have protected the President and the Federal courts, provided for the custody and transportation of Federal prisoners, and maintained and disposed of seized and forfeited properties;

Whereas, during 219 years of service, United States Marshals have ensured the safe conduct of judicial proceedings and protected Federal judges and jurors and other members of the Federal judiciary;

Whereas, through the Witness Security Program, United States Marshals provide for the security, health, and safety of nearly 18,000 Government witnesses and their family members whose lives are in danger as a result of the witnesses' testimony against gangs, drug traffickers, terrorists, organized crime members, and other criminals;

Whereas the United States Marshals Service directs and coordinates regional and district fugitive task forces that combine the efforts of Federal, State, and local law enforcement agencies to apprehend the most dangerous fugitives, making the United States safer;

Whereas, during 219 years of service, United States Marshals have conducted their mission of apprehending fugitives with skill and valor;

Whereas, during fiscal year 2008, United States Marshals have arrested more than 100,000 fugitives wanted for committing felonies and have conducted more than 800 extraditions; and

Whereas United States Marshals carry out complex and life-threatening missions daily to maintain the integrity of the judicial process of the United States: Now, therefore, be it

*Resolved*, That the Senate—

(1) congratulates the United States Marshals Service on its 219th anniversary;

(2) commends the United States Marshals Service as one of the most versatile and effective law enforcement agencies in the world; and

(3) honors the men and women who have served the United States Marshals Service and the Nation valiantly with their dedication to justice, integrity, and service.

#### SENATE RESOLUTION 680—TO AUTHORIZE THE PRODUCTION OF RECORDS BY THE PERMANENT SUBCOMMITTEE ON INVESTIGATIONS OF THE COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. REID (for himself and Mr. McCONNELL) submitted the following resolution; which was considered and agreed to:

S. RES. 680

Whereas, the Permanent Subcommittee on Investigations of the Committee on Homeland Security and Governmental Affairs conducted an investigation into how financial institutions have designed, marketed, and implemented transactions intended to enable foreign taxpayers to avoid taxes on U.S. stock dividends;

Whereas, the Subcommittee has received requests from law enforcement and regulatory agencies for access to records of the Subcommittee's investigation;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate can, by administrative or judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate is needed for the promotion of justice, the Senate will take such action as will promote the ends of justice consistent with the privileges of the Senate: Now, therefore, be it

*Resolved*, That the Chairman and Ranking Minority Member of the Permanent Subcommittee on Investigations of the Committee on Homeland Security and Governmental Affairs, acting jointly, are authorized to provide to law enforcement officials, regulatory agencies, and other entities or individuals duly authorized by federal, state, or foreign governments, records of the Subcommittee's investigation into how financial institutions have designed, marketed, and implemented transactions intended to enable foreign taxpayers to avoid taxes on U.S. stock dividends.

#### SENATE RESOLUTION 681—TO ALLOW THE PART TIME, VOLUNTEER PRACTICE OF MEDICINE IN PRIVATE MEDICAL FACILITIES

Mr. McCONNELL (for himself, Mr. CORNYN, and Mr. INHOFE) submitted the following resolution; which was referred to the Committee on Rules and Administration:

S. RES. 681

*Resolved*,

#### SECTION 1. VOLUNTARY PROVISION OF MEDICAL SERVICES.

(a) IN GENERAL.—Notwithstanding any other provision of the rules or regulations of the Senate, a Senator may use the medical facilities of a private entity in order to provide voluntary and necessary medical care to his patients, provided that the Senator—

(1) is a licensed physician;

(2) only practices medicine on a part-time basis outside of regular Senate office hours;

(3) believes in good faith that he must use the medical facilities of a private entity in order to provide the necessary and professionally required level of medical care to his patients;

(4) does not receive any compensation, income, or revenue as a result of providing such voluntary medical care; and

(5) does not allow the private medical facility to use his name.

(b) EFFECTIVE PERIOD.—This resolution shall take effect on the date of adoption of this resolution.

#### SENATE RESOLUTION 682—RECOGNIZING HISPANIC HERITAGE MONTH AND CELEBRATING THE HERITAGE AND CULTURE OF HISPANIC AMERICANS AND THEIR IMMENSE CONTRIBUTIONS TO THE NATION

Mr. SALAZAR (for himself, Mr. MENENDEZ, Mr. MARTINEZ, Mr. REID, Ms. STABENOW, Mr. DURBIN, Mr. BINGAMAN, Mr. OBAMA, Mr. LEVIN, Mrs. CLINTON, Mr. LAUTENBERG, Mr. SCHUMER, Mr. DODD, Mr. FEINGOLD, Mrs. BOXER, Mr. DOMENICI, Mrs. MURRAY, Mr. LUGAR, and Mrs. HUTCHISON) submitted the following resolution; which was considered and agreed to:

S. RES. 682

Whereas from September 15, 2008, through October 15, 2008, the country celebrates Hispanic Heritage Month;

Whereas the Census Bureau estimates the Hispanic population in the United States at 45,500,000 people, making Hispanic Americans the largest ethnic minority within the United States;

Whereas 1 in 3 United States public school students is Hispanic, and the total number of Hispanic students enrolled in our Nation's public schools is expected to reach 28,000,000 by 2050;

Whereas the purchasing power of Hispanic Americans has reached \$870,000,000,000 by 2008 and there are more than 1,600,000 Hispanic-owned firms in the United States, supporting 1,536,795 employees nationwide;

Whereas Hispanic Americans serve in all branches of the Armed Forces, bravely fought in every war in United States history, and continue to serve with distinction in Afghanistan and Iraq;

Whereas 140,000 Hispanic soldiers served in the Korean War;

Whereas more than 80,000 Hispanics served in the Vietnam War, representing 5.5 percent of those who made the ultimate sacrifice for their country in that conflict although they comprised only 4.5 percent of the United States population at the time;

Whereas, as of August 2, 2008, approximately 11 percent of the more than 4,122 United States military fatalities in Iraq have been Hispanic;

Whereas there are more than 1,100,000 Hispanic veterans of the United States Armed Forces;

Whereas 43 Hispanic Americans have received the Congressional Medal of Honor, the highest award for valor in action against an enemy force which can be bestowed upon an individual serving in the United States Armed Forces;

Whereas Hispanic Americans are dedicated public servants, holding posts at the highest levels of government, including 3 seats in the United States Senate; and

Whereas Hispanic Americans harbor a deep commitment to family and community, an enduring work ethic, and a perseverance to succeed and contribute to society: Now, therefore, be it

*Resolved*, That the Senate—

(1) recognizes the celebration of Hispanic Heritage Month from September 15, 2008, through October 15, 2008;

(2) honors the heritage and culture of Hispanic Americans and their immense contributions to the life of the Nation; and

(3) urges the people of the United States to observe Hispanic Heritage Month with appropriate programs and activities.

**SENATE RESOLUTION 683—DESIGNATING THE WEEK OF OCTOBER 19 THROUGH OCTOBER 25, 2008, AS “NATIONAL CHILDHOOD LEAD POISONING PREVENTION WEEK”**

Mr. REED (for himself, Ms. COLLINS, Mr. WHITEHOUSE, Mr. BOND, Mr. ISAKSON, Mr. CARDIN, Mr. LEVIN, Mr. BIDEN, Mr. LIEBERMAN, Mr. KERRY, Ms. STABENOW, Mr. FEINGOLD, Mrs. BOXER, Mr. LEAHY, Mr. PRYOR, and Mr. LAUTENBERG) submitted the following resolution; which was considered and agreed to:

S. RES. 683

Whereas lead poisoning is one of the leading environmental health hazards facing children in the United States;

Whereas approximately 240,000 children in the United States under the age of 6 currently have harmful levels of lead in their blood;

Whereas lead poisoning may cause serious, long-term harm to children, including reduced intelligence and attention span, behavior problems, learning disabilities, and impaired growth;

Whereas children from low-income families are significantly more likely to be poisoned by lead than are children from high-income families;

Whereas children may be poisoned by lead in water, soil, housing, or consumable products;

Whereas children most often are poisoned in their homes through exposure to lead particles when lead-based paint deteriorates or is disturbed during home renovation and repainting; and

Whereas lead poisoning crosses all barriers of race, income, and geography: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates the week of October 19 through October 25, 2008, as “National Childhood Lead Poisoning Prevention Week”; and

(2) calls upon the people of the United States to observe National Childhood Lead Poisoning Prevention Week with appropriate programs and activities.

**SENATE RESOLUTION 684—CALLING FOR A COMPREHENSIVE STRATEGY TO ADDRESS THE CRISIS IN DARFUR, SUDAN**

Mr. DURBIN (for himself, Ms. SNOWE, Mr. KERRY, Mr. FEINGOLD, Mr. LUGAR, Mr. BROWBACK, Mr. SCHUMER, Mr. MENENDEZ, Mr. SPETER, Mr. BIDEN, Mr. OBAMA, Mr. DODD, Mr. LEAHY, Mr. LEVIN, Mr. WHITEHOUSE, Mrs. MURRAY, Mr. ISAKSON, Mr. CHAMBLISS, Mr. SUNUNU, Mr. SANDERS, Mrs. CLINTON, Mr. ROBERTS, Mrs. DOLE, Mr. BINGAMAN, Mrs. BOXER, Mr. WYDEN, Mr. LAUTENBERG, Mrs. FEINSTEIN, Mr. COLEMAN, and Mr. VOINOVICH) submitted the following resolution; which was considered and agreed to:

S. RES. 684

Whereas more than 300,000 people have died and approximately 2,500,000 have been displaced in Darfur since 2003, according to estimates by the United Nations;

Whereas Congress unanimously declared on July 22, 2004, that the atrocities in Darfur were genocide;

Whereas, on September 9, 2004, Secretary of State Colin Powell and on June 1, 2005, President George W. Bush described the crisis in Darfur as genocide;

Whereas the United States has led the world in financial contributions to humanitarian aid and peacekeeping operations in Darfur;

Whereas, on July 31, 2007, the United Nations Security Council voted to deploy an historic United Nations-African Union (UNAMID) peacekeeping force to stem the violence in Darfur and create conditions for peace talks;

Whereas only approximately 10,000 of the authorized force of 26,000 peacekeepers and police have deployed to Darfur, delayed by Sudanese obstruction as well as by a failure of the international community to commit sufficient resources and to overcome logistical obstacles; and

Whereas more than four years have passed since Congress declared the conflict in Darfur to be genocide and conditions on the ground in Darfur continue to worsen: Now, therefore, be it

*Resolved*, That the Senate—

(1) urges the President, the United Nations Secretary-General, the African Union, and other key members of the international community to pursue a comprehensive solution to the Darfur crisis by—

(A) supporting efforts to launch a just and inclusive peace process;

(B) ensuring the full and effective deployment of the UNAMID mission;

(C) ensuring the free and unfettered flow of humanitarian aid;

(D) promoting economic and political development programs;

(E) supporting full implementation of the Comprehensive Peace Agreement of 2005; and

(F) promoting justice and accountability;

(2) condemns the Government of Sudan for its continued obstruction of the deployment of United Nations-African Union peacekeepers and equipment;

(3) condemns the ongoing acts of violence in and obstruction of aid to Darfur committed by all parties; and

(4) calls upon the Government of Sudan and armed parties in the region to declare and respect an immediate cessation of hostilities, abide by the United Nations embargo on the importation of arms, cease predation and attacks upon humanitarian organizations, and participate in international efforts to negotiate a lasting political settlement for the region.

**SENATE CONCURRENT RESOLUTION 102—EXPRESSING THE SENSE OF CONGRESS THAT ENSURING THE AVAILABILITY OF ADEQUATE HOUSING IS AN ESSENTIAL COMPONENT OF AN EFFECTIVE STRATEGY FOR THE PREVENTION AND TREATMENT OF HIV AND THE CARE OF INDIVIDUALS WITH HIV**

Mrs. CLINTON submitted the following concurrent resolution; which was referred to the Committee on Banking, Housing, and Urban Affairs:

S. CON. RES. 102

Whereas adequate and secure housing is recognized as a human right in Article 25 of the Universal Declaration of Human Rights, adopted by the General Assembly of the United Nations on December 10, 1948;

Whereas strong and consistent research findings show that the socioeconomic status of individuals and groups is a key determinant of health;

Whereas the link between poverty and an increased risk of contracting HIV and other poor health outcomes is well established;

Whereas research findings demonstrate that there is a direct relationship between

inadequate housing and a greater risk of HIV infection, poor health outcomes, and early death;

Whereas poor living conditions, including overcrowding and homelessness, undermine safety, privacy, and efforts to promote self-respect, human dignity, and responsible sexual behavior;

Whereas, according to the National AIDS Housing Coalition, individuals who are homeless or unstably housed are 2 to 6 times more likely to use hard drugs, share needles, or exchange sex than individuals with stable housing, as the lack of stable housing directly impacts the ability of individuals living in poverty to reduce HIV risk behaviors;

Whereas, despite the evidence indicating that adequate housing has a direct positive effect on the prevention and treatment of HIV and health outcomes, the lack of resources dedicated to providing adequate housing has been largely ignored in policy discussions at the international level; and

Whereas the United Nations, in the 2006 Political Declaration on HIV/AIDS, embraced the goal of universal access to comprehensive prevention programs and treatment, care, and support for individuals with HIV by 2010: Now, therefore, be it

*Resolved by the Senate (the House of Representatives concurring)*, That it is the sense of Congress that ensuring the availability of adequate housing is an essential component of an effective strategy for the prevention and treatment of HIV and the care of individuals with HIV.

**SENATE CONCURRENT RESOLUTION 103—RECOGNIZING THE 10TH ANNIVERSARY OF THE ESTABLISHMENT OF THE MINORITY AIDS INITIATIVE**

Mrs. CLINTON submitted the following concurrent resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. CON. RES. 103

Whereas the Minority AIDS Initiative was established on October 28, 1998, under the leadership of the Congressional Black Caucus, during the chairmanship of Representative Maxine Waters, to target funds for the awareness, prevention, testing, and treatment of human immunodeficiency virus and acquired immunodeficiency syndrome (HIV/AIDS) toward racial and ethnic minority communities and toward community-based organizations and health care providers serving these communities;

Whereas HIV/AIDS is a devastating epidemic that continues to grow in communities throughout the United States;

Whereas there are more than 1,000,000 people living with HIV/AIDS in the United States today;

Whereas there are more than 14,000 AIDS-related deaths every year in the United States;

Whereas approximately 1 in 4 of the people living with HIV/AIDS in the United States do not know they are infected;

Whereas all racial and ethnic minorities are disproportionately impacted by HIV/AIDS;

Whereas African-Americans account for about ½ of new AIDS cases, although approximately 13 percent of the population as a whole is Black, and the Centers for Disease Control and Prevention (CDC) estimates that African-Americans accounted for 45 percent of new HIV infections in 2006;

Whereas Hispanic Americans account for 19 percent of new AIDS cases, although only 15

percent of the population as a whole is Hispanic, and the CDC estimates that Hispanic-Americans accounted for 17 percent of new HIV infections in 2006;

Whereas Asian-Americans and Pacific Islanders account for 1 percent of new AIDS cases, and Native Americans and Alaska Natives account for up to 1 percent of new AIDS cases;

Whereas approximately 70 percent of new AIDS cases are racial and ethnic minorities;

Whereas, in 2008, the CDC released new estimates of HIV infection, which indicate that approximately 56,300 new HIV infections occurred in the United States in 2006;

Whereas these new estimates are approximately 40 percent higher than the CDC's previous estimates of 40,000 new infections per year;

Whereas the CDC's data confirms that the most severe impact of HIV/AIDS continues to be among gay and bisexual men of all races, and Black men and women;

Whereas the purpose of the Minority AIDS Initiative is to enable community-based organizations and health care providers in minority communities to improve their capacity to deliver culturally and linguistically appropriate HIV/AIDS care and services;

Whereas the establishment of the Minority AIDS Initiative was announced on October 28, 1998, during a "roll-out" event sponsored by the Congressional Black Caucus, which featured the participation of President Bill Clinton, Secretary of Health and Human Services Donna Shalala, Representative Maxine Waters, members of the Congressional Black Caucus, and representatives of HIV/AIDS service and advocacy organizations;

Whereas it was announced at this roll-out that the Minority AIDS Initiative would receive an initial appropriation of \$156,000,000 in fiscal year 1999;

Whereas concerned Members of Congress, including members of the Congressional Black Caucus, the Congressional Hispanic Caucus, the Congressional Asian Pacific American Caucus, and the Congressional Hispanic Conference, continue to support the Minority AIDS Initiative;

Whereas the Minority AIDS Initiative continues to provide funding to community-based organizations, research institutions, minority-serving colleges and universities, health care organizations, State and local health departments, correctional institutions, and other providers of health information and services to help such entities address the HIV/AIDS epidemic within the minority populations they serve;

Whereas Congress codified the Minority AIDS Initiative within the most recent reauthorization of the Ryan White CARE Act;

Whereas the Minority AIDS Initiative fills gaps in HIV/AIDS outreach, awareness, prevention, treatment, surveillance, and infrastructure across communities of color; and

Whereas, October 28, 2008, is the 10th anniversary of the establishment of the Minority AIDS Initiative: Now, therefore, be it

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

(1) recognizes and commemorates the 10th anniversary of the establishment of the Minority AIDS Initiative;

(2) commends the efforts of community-based organizations and health care providers in minority communities to deliver culturally and linguistically appropriate human immunodeficiency virus and acquired immunodeficiency syndrome (HIV/AIDS) care and services within the minority populations they serve;

(3) encourages racial and ethnic minorities to educate themselves about the prevention and treatment of HIV/AIDS and reduce the stigma associated with HIV/AIDS; and

(4) supports the continued funding of the Minority AIDS Initiative and other Federal programs to stop the spread of HIV/AIDS and to provide effective, compassionate treatment and care to individuals affected by HIV/AIDS.

#### AMENDMENTS SUBMITTED AND PROPOSED

SA 5642. Mr. DORGAN (for Mr. KENNEDY (for himself and Mr. HATCH)) proposed an amendment to the bill H.R. 1343, to provide additional authorizations of appropriations for the health centers program under section 330 of such Act, and for other purposes.

SA 5643. Mr. WYDEN (for himself and Mr. BARRASSO) submitted an amendment intended to be proposed by him to the bill S. 3268, to amend the Commodity Exchange Act, to prevent excessive price speculation with respect to energy commodities, and for other purposes; which was ordered to lie on the table.

SA 5644. Mr. SALAZAR (for Mrs. MCCASKILL (for herself, Mr. SALAZAR, Ms. COLLINS, and Mr. LIEBERMAN)) proposed an amendment to the bill H.R. 928, to amend the Inspector General Act of 1978 to enhance the independence of the Inspectors General, to create a Council of the Inspectors General on Integrity and Efficiency, and for other purposes.

#### TEXT OF AMENDMENTS

**SA 5642.** Mr. DORGAN (for Mr. KENNEDY (for himself and Mr. HATCH)) proposed an amendment to the bill H.R. 1343, to provide additional authorizations of appropriations for the health centers program under section 330 of such Act, 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 "Health Care Safety Net Act of 2008".

##### SEC. 2. COMMUNITY HEALTH CENTERS PROGRAM OF THE PUBLIC HEALTH SERVICE ACT.

(a) ADDITIONAL AUTHORIZATIONS OF APPROPRIATIONS FOR THE HEALTH CENTERS PROGRAM OF PUBLIC HEALTH SERVICE ACT.—Section 330(r) of the Public Health Service Act (42 U.S.C. 254b(r)) is amended by amending paragraph (1) to read as follows:

"(1) IN GENERAL.—For the purpose of carrying out this section, in addition to the amounts authorized to be appropriated under subsection (d), there are authorized to be appropriated—

"(A) \$2,065,000,000 for fiscal year 2008;

"(B) \$2,313,000,000 for fiscal year 2009;

"(C) \$2,602,000,000 for fiscal year 2010;

"(D) \$2,940,000,000 for fiscal year 2011; and

"(E) \$3,337,000,000 for fiscal year 2012.".

(b) STUDIES RELATING TO COMMUNITY HEALTH CENTERS.—

(1) DEFINITIONS.—For purposes of this subsection—

(A) the term "community health center" means a health center receiving assistance under section 330 of the Public Health Service Act (42 U.S.C. 254b); and

(B) the term "medically underserved population" has the meaning given that term in such section 330.

(2) SCHOOL-BASED HEALTH CENTER STUDY.—

(A) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Comptroller General of the United States shall issue a study of the economic costs and benefits of school-based health centers and

the impact on the health of students of these centers.

(B) CONTENT.—In conducting the study under subparagraph (A), the Comptroller General of the United States shall analyze—

(i) the impact that Federal funding could have on the operation of school-based health centers;

(ii) any cost savings to other Federal programs derived from providing health services in school-based health centers;

(iii) the effect on the Federal Budget and the health of students of providing Federal funds to school-based health centers and clinics, including the result of providing disease prevention and nutrition information;

(iv) the impact of access to health care from school-based health centers in rural or underserved areas; and

(v) other sources of Federal funding for school-based health centers.

(3) HEALTH CARE QUALITY STUDY.—

(A) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary of Health and Human Services (referred to in this Act as the "Secretary"), acting through the Administrator of the Health Resources and Services Administration, and in collaboration with the Agency for Healthcare Research and Quality, shall prepare and submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives a report that describes agency efforts to expand and accelerate quality improvement activities in community health centers.

(B) CONTENT.—The report under subparagraph (A) shall focus on—

(i) Federal efforts, as of the date of enactment of this Act, regarding health care quality in community health centers, including quality data collection, analysis, and reporting requirements;

(ii) identification of effective models for quality improvement in community health centers, which may include models that—

(I) incorporate care coordination, disease management, and other services demonstrated to improve care;

(II) are designed to address multiple, co-occurring diseases and conditions;

(III) improve access to providers through non-traditional means, such as the use of remote monitoring equipment;

(IV) target various medically underserved populations, including uninsured patient populations;

(V) increase access to specialty care, including referrals and diagnostic testing; and

(VI) enhance the use of electronic health records to improve quality;

(iii) efforts to determine how effective quality improvement models may be adapted for implementation by community health centers that vary by size, budget, staffing, services offered, populations served, and other characteristics determined appropriate by the Secretary;

(iv) types of technical assistance and resources provided to community health centers that may facilitate the implementation of quality improvement interventions;

(v) proposed or adopted methodologies for community health center evaluations of quality improvement interventions, including any development of new measures that are tailored to safety-net, community-based providers;

(vi) successful strategies for sustaining quality improvement interventions in the long-term; and

(vii) partnerships with other Federal agencies and private organizations or networks as appropriate, to enhance health care quality in community health centers.

(C) **DISSEMINATION.**—The Administrator of the Health Resources and Services Administration shall establish a formal mechanism or mechanisms for the ongoing dissemination of agency initiatives, best practices, and other information that may assist health care quality improvement efforts in community health centers.

(4) **GAO STUDY ON INTEGRATED HEALTH SYSTEMS MODEL FOR THE DELIVERY OF HEALTH CARE SERVICES TO MEDICALLY UNDERSERVED AND UNINSURED POPULATIONS.**—

(A) **STUDY.**—The Comptroller General of the United States shall conduct a study on integrated health system models of at least 15 sites for the delivery of health care services to medically underserved and uninsured populations. The study shall include an examination of—

(i) health care delivery models sponsored by public or private non-profit entities that—

(I) integrate primary, specialty, and acute care; and

(II) serve medically underserved and uninsured populations; and

(ii) such models in rural and urban areas.

(B) **REPORT.**—Not later than 1 year after the date of the enactment of this Act, the Comptroller General of the United States shall submit to Congress a report on the study conducted under subparagraph (A). The report shall include—

(i) an evaluation of the models, as described in subparagraph (A), in—

(I) expanding access to primary, preventive, and specialty services for medically underserved and uninsured populations; and

(II) improving care coordination and health outcomes;

(III) increasing efficiency in the delivery of quality health care; and

(IV) conducting some combination of the following services—

(aa) outreach activities;

(bb) case management and patient navigation services;

(cc) chronic care management;

(dd) transportation to health care facilities;

(ee) development of provider networks and other innovative models to engage local physicians and other providers to serve the medically underserved within a community;

(ff) recruitment, training, and compensation of necessary personnel;

(gg) acquisition of technology for the purpose of coordinating care;

(hh) improvements to provider communication, including implementation of shared information systems or shared clinical systems;

(ii) determination of eligibility for Federal, State, and local programs that provide, or financially support the provision of, medical, social, housing, educational, or other related services;

(jj) development of prevention and disease management tools and processes;

(kk) translation services;

(ll) development and implementation of evaluation measures and processes to assess patient outcomes;

(mm) integration of primary care and mental health services; and

(nn) carrying out other activities that may be appropriate to a community and that would increase access by the uninsured to health care, such as access initiatives for which private entities provide non-Federal contributions to supplement the Federal funds provided through the grants for the initiatives; and

(ii) an assessment of—

(I) challenges, including barriers to Federal programs, encountered by such entities in providing care to medically underserved and uninsured populations; and

(II) advantages and disadvantages of such models compared to other models of care delivery for medically underserved and uninsured populations, including—

(aa) quality measurement and quality outcomes;

(bb) administrative efficiencies; and

(cc) geographic distribution of federally-supported clinics compared to geographic distribution of integrated health systems.

(5) **GAO STUDY ON VOLUNTEER ENHANCEMENT.**—

(A) **IN GENERAL.**—Not later than 6 months after the date of enactment of this Act, the Comptroller General of the United States shall conduct a study, and submit a report to Congress, concerning the implications of extending Federal Tort Claims Act (chapter 171 of title 28, United States Code) coverage to health care professionals who volunteer to furnish care to patients of health centers.

(B) **CONTENT.**—In conducting the study under subparagraph (A), the Comptroller General of the United States shall analyze—

(i) the potential financial implications for the Federal Government of such an extension, including any increased funding needed for current health center Federal Tort Claims Act coverage;

(ii) an estimate of the increase in the number of health care professionals at health centers, and what types of such professionals would most likely volunteer given the extension of Federal Tort Claims Act coverage;

(iii) the increase in services provided by health centers as a result of such an increase in health care professionals, and in particular the effect of such action on the ability of health centers to secure specialty and diagnostic services needed by their uninsured and other patients;

(iv) the volume of patient workload at health centers and how volunteer health care professionals may help address the patient volume;

(v) the most appropriate manner of extending such coverage to volunteer health care professionals at health centers, including any potential difference from the mechanism currently used for health care professional volunteers at free clinics;

(vi) State laws that have been shown to encourage physicians and other health care providers to provide charity care as an agent of the State; and

(vii) other policies, including legislative or regulatory changes, that have the potential to increase the number of volunteer health care staff at health centers and the financial implications of such policies, including the cost savings associated with the ability to provide more services in health centers rather than more expensive sites of care.

(c) **RECOGNITION OF HIGH POVERTY.**—

(1) **IN GENERAL.**—Section 330(c) of the Public Health Service Act (42 U.S.C. 254b(c)) is amended by adding at the end the following new paragraph:

“(3) **RECOGNITION OF HIGH POVERTY.**—

“(A) **IN GENERAL.**—In making grants under this subsection, the Secretary may recognize the unique needs of high poverty areas.

“(B) **HIGH POVERTY AREA DEFINED.**—For purposes of subparagraph (A), the term ‘high poverty area’ means a catchment area which is established in a manner that is consistent with the factors in subsection (k)(3)(J), and the poverty rate of which is greater than the national average poverty rate as determined by the Bureau of the Census.”

(2) **EFFECTIVE DATE.**—The amendment made by paragraph (1) shall apply to grants made on or after January 1, 2009.

### SEC. 3. NATIONAL HEALTH SERVICE CORPS.

(a) **FUNDING.**—

(1) **REAUTHORIZATION OF NATIONAL HEALTH SERVICE CORPS PROGRAM.**—Section 338(a) of

the Public Health Service Act (42 U.S.C. 254k(a)) is amended by striking “2002 through 2006” and inserting “2008 through 2012”.

(2) **SCHOLARSHIP AND LOAN REPAYMENT PROGRAMS.**—Subsection (a) of section 338H of such Act (42 U.S.C. 254q) is amended by striking “appropriated \$146,250,000” and all that follows through the period and inserting the following: “appropriated—

“(1) for fiscal year 2008, \$131,500,000;

“(2) for fiscal year 2009, \$143,335,000;

“(3) for fiscal year 2010, \$156,235,150;

“(4) for fiscal year 2011, \$170,296,310; and

“(5) for fiscal year 2012, \$185,622,980.”

(b) **ELIMINATION OF 6-YEAR DEMONSTRATION REQUIREMENT.**—Section 332(a)(1) of the Public Health Service Act (42 U.S.C. 254e(a)(1)) is amended by striking “Not earlier than 6 years” and all that follows through “purposes of this section.”

(c) **ASSIGNMENT TO SHORTAGE AREA.**—Section 333(a)(1)(D)(ii) of the Public Health Service Act (42 U.S.C. 254f(a)(1)(D)(ii)) is amended—

(1) in subclause (IV), by striking “and”;

(2) in subclause (V), by striking the period at the end and inserting “; and”;

(3) by adding at the end the following:

“(VI) the entity demonstrates willingness to support or facilitate mentorship, professional development, and training opportunities for Corps members.”

(d) **PROFESSIONAL DEVELOPMENT AND TRAINING.**—Subsection (d) of section 336 of the Public Health Service Act (42 U.S.C. 254h-1) is amended to read as follows:

“(d) **PROFESSIONAL DEVELOPMENT AND TRAINING.**—

“(1) **IN GENERAL.**—The Secretary shall assist Corps members in establishing and maintaining professional relationships and development opportunities, including by—

“(A) establishing appropriate professional relationships between the Corps member involved and the health professions community of the geographic area with respect to which the member is assigned;

“(B) establishing professional development, training, and mentorship linkages between the Corps member involved and the larger health professions community, including through distance learning, direct mentorship, and development and implementation of training modules designed to meet the educational needs of offsite Corps members;

“(C) establishing professional networks among Corps members; or

“(D) engaging in other professional development, mentorship, and training activities for Corps members, at the discretion of the Secretary.

“(2) **ASSISTANCE IN ESTABLISHING PROFESSIONAL RELATIONSHIPS.**—In providing such assistance under paragraph (1), the Secretary shall focus on establishing relationships with hospitals, with academic medical centers and health professions schools, with area health education centers under section 751, with health education and training centers under section 752, and with border health education and training centers under such section 752. Such assistance shall include assistance in obtaining faculty appointments at health professions schools.

“(3) **SUPPLEMENT NOT SUPPLANT.**—Such efforts under this subsection shall supplement, not supplant, non-government efforts by professional health provider societies to establish and maintain professional relationships and development opportunities.”

(e) **ELIGIBILITY OF THE DISTRICT OF COLUMBIA AND TERRITORIES FOR THE STATE LOAN REPAYMENT PROGRAM.**—

(1) **IN GENERAL.**—Section 338I(h) of the Public Health Service Act (42 U.S.C. 254q-1(h)) is amended by striking “several States” and

inserting “50 States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, Palau, the Marshall Islands, and the Commonwealth of the Northern Mariana Islands”.

(2) **AUTHORIZATION OF APPROPRIATIONS.**—Section 3381(i)(1) of such Act (42 U.S.C. 254q-1(i)(1)) is amended by striking “2002” and all that follows through the period and inserting “2008, and such sums as may be necessary for each of fiscal years 2009 through 2012.”.

#### **SEC. 4. REAUTHORIZATION OF RURAL HEALTH CARE PROGRAMS.**

Section 330A(j) of the Public Health Service Act (42 U.S.C. 254c(j)) is amended by striking “\$40,000,000” and all that follows through the period and inserting “\$45,000,000 for each of fiscal years 2008 through 2012.”.

#### **SEC. 5. REAUTHORIZATION OF PRIMARY DENTAL HEALTH WORKFORCE PROGRAMS.**

Section 340G(f) of the Public Health Service Act (42 U.S.C. 256g(f)) is amended—

(1) by striking “\$50,000,000” and inserting “\$25,000,000”; and

(2) by striking “2002” and inserting “2008”.

#### **SEC. 6. EMERGENCY RESPONSE COORDINATION OF PRIMARY CARE PROVIDERS.**

(a) **IN GENERAL.**—Subtitle B of title XXVIII of the Public Health Service Act (42 U.S.C. 300hh-10 et seq.) is amended by adding at the end the following:

##### **“SEC. 2815. EMERGENCY RESPONSE COORDINATION OF PRIMARY CARE PROVIDERS.**

“The Secretary, acting through Administrator of the Health Resources and Services Administration, and in coordination with the Assistant Secretary for Preparedness and Response, shall

“(1) provide guidance and technical assistance to health centers funded under section 330 and to State and local health departments and emergency managers to integrate health centers into State and local emergency response plans and to better meet the primary care needs of populations served by health centers during public health emergencies; and

“(2) encourage employees at health centers funded under section 330 to participate in emergency medical response programs including the National Disaster Medical System authorized in section 2812, the Volunteer Medical Reserve Corps authorized in section 2813, and the Emergency System for Advance Registration of Health Professions Volunteers authorized in section 3191.”.

(b) **SENSE OF THE CONGRESS.**—It is the Sense of Congress that the Secretary of Health and Human Services, to the extent permitted by law, utilize the existing authority provided under the Federal Tort Claims Act for health centers funded under section 330 of the Public Health Service Act (42 U.S.C. 254b) in order to establish expedited procedures under which such health centers and their health care professionals that have been deemed eligible for Federal Tort Claims Act coverage are able to respond promptly in a coordinated manner and on a temporary basis to public health emergencies outside their traditional service area and sites, and across State lines, as necessary and appropriate.

#### **SEC. 7. REVISION OF THE TIMEFRAME FOR THE RECOGNITION OF CERTAIN DESIGNATIONS IN CERTIFYING RURAL HEALTH CLINICS UNDER THE MEDICARE PROGRAM.**

(a) **IN GENERAL.**—The second sentence of section 1861(aa)(2) of the Social Security Act (42 U.S.C. 1395x(aa)(2)) is amended by striking “3-year period” and inserting “4-year period” in the matter in clause (i) preceding subclause (I).

(b) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act.

**SA 5643.** Mr. WYDEN (for himself and Mr. BARRASSO) submitted an amendment intended to be proposed by him to the bill S. 3268, to amend the Commodity Exchange Act, to prevent excessive price speculation with respect to energy commodities, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

#### **SEC. . MINERALS MANAGEMENT SERVICE.**

(a) **DEFINITIONS.**—In this section:

(1) **DEPARTMENT.**—The term “Department” means the Department of the Interior.

(2) **DIRECTOR.**—The term “Director” means the Director of the Service.

(3) **ROYALTY-IN-KIND PROGRAM.**—The term “royalty-in-kind program” means the program established under—

(A) section 342 of the Energy Policy Act of 2005 (42 U.S.C. 15902);

(B) section 36 of the Mineral Leasing Act (30 U.S.C. 192);

(C) section 27 of the Outer Continental Shelf Lands Act (43 U.S.C. 1353); or

(D) any other similar provision of law.

(4) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

(5) **SERVICE.**—The term “Service” means the Minerals Management Service.

(b) **ESTABLISHMENT.**—The Secretary shall—

(1) establish and maintain within the Department the Minerals Management Service; and

(2) assign to the Service such functions as the Secretary considers appropriate.

(c) **DIRECTOR.**—The Service shall be headed by a Director who shall be appointed by the President, by and with the advice and consent of the Senate.

(d) **AUDITS.**—

(1) **ROYALTY AUDITS.**—The Director shall ensure that the Service implements a comprehensive program of financial audits of royalty payments and adjustments, including physical on-site audits, on the basis of risk and statistical samples.

(2) **STANDARDS.**—Not later than 90 days after the date of enactment of this Act, the Director shall promulgate regulations that—

(A) require that all employees of the Service that conduct audits and compliance reviews meet professional auditor qualifications that are consistent with the latest revision of the Government Auditing Standards published by the Government Accountability Office; and

(B) ensure that all audits conducted by the Service are performed in accordance with the standards.

(3) **INSPECTOR GENERAL.**—The Inspector General of the Department shall—

(A) conduct, annually and as necessary, audits of activities of the Service, including leasing and royalty activities; and

(B) report the results of the audits of activities of the Service (including leasing and royalty activities) and the certifications required under subsection (e) to—

(i) the Committee on Energy and Natural Resources of the Senate;

(ii) the Committee on Natural Resources of the House of Representatives; and

(iii) the Secretary.

(e) **ROYALTIES-IN-KIND PROGRAM.**—

(1) **INITIAL CERTIFICATION.**—Subject to paragraph (3), not later than 60 days after the date of enactment of this Act, the Secretary shall submit to Congress a certification that all of the recommendations made by the Office of the Inspector General of the Department as the result of investigations that culminated in a memorandum dated September 9, 2008, and a report dated May 2008 (C-EV-MMS-001-2008), with respect to the royalty-in-kind program have been implemented.

(2) **ANNUAL CERTIFICATIONS.**—Subject to paragraph (3), not later than 1 year after the date of enactment of this Act and each year thereafter, the Secretary shall submit to Congress a certification that the royalty-in-kind program is in full compliance with Federal law (including regulations) governing procurement and ethics.

(3) **SUSPENSION.**—Notwithstanding any other provision of law, if the Secretary fails to make a certification required under paragraph (1) or (2), the authority of the Secretary to carry out each royalty-in-kind program is suspended during the period—

(A) beginning on the day after the deadline for the certification under that paragraph; and

(B) ending on the date the Secretary makes the certification required under that paragraph.

**SA 5644.** Mr. SALAZAR (for Mrs. MCCASKILL (for herself, Mr. SALAZAR, Ms. COLLINS, and Mr. LIEBERMAN)) proposed an amendment to the bill H.R. 928, to amend the Inspector General Act of 1978 to enhance the independence of the Inspectors General, to create a Council of the Inspectors General on Integrity and Efficiency, 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 “Inspector General Reform Act of 2008”.

#### **SEC. 2. APPOINTMENT AND QUALIFICATIONS OF INSPECTORS GENERAL.**

Section 8G(c) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by adding at the end “Each Inspector General shall be appointed without regard to political affiliation and solely on the basis of integrity and demonstrated ability in accounting, auditing, financial analysis, law, management analysis, public administration, or investigations.”.

#### **SEC. 3. REMOVAL OF INSPECTORS GENERAL.**

(a) **ESTABLISHMENTS.**—Section 3(b) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by striking the second sentence and inserting “If an Inspector General is removed from office or is transferred to another position or location within an establishment, the President shall communicate in writing the reasons for any such removal or transfer to both Houses of Congress, not later than 30 days before the removal or transfer. Nothing in this subsection shall prohibit a personnel action otherwise authorized by law, other than transfer or removal.”.

(b) **DESIGNATED FEDERAL ENTITIES.**—Section 8G(e) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by striking “shall promptly communicate in writing the reasons for any such removal or transfer to both Houses of the Congress.” and inserting “shall communicate in writing the reasons for any such removal or transfer to both Houses of Congress, not later than 30 days before the removal or transfer. Nothing in this subsection shall prohibit a personnel action otherwise authorized by law, other than transfer or removal.”.

#### **SEC. 4. PAY OF INSPECTORS GENERAL.**

(a) **INSPECTORS GENERAL AT LEVEL III OF EXECUTIVE SCHEDULE.**—

(1) **IN GENERAL.**—Section 3 of the Inspector General Act of 1978 (5 U.S.C. App.), is amended by adding at the end the following:

“(e) The annual rate of basic pay for an Inspector General (as defined under section 12(3)) shall be the rate payable for level III of the Executive Schedule under section 5314 of title 5, United States Code, plus 3 percent.”.



(2) TECHNICAL AND CONFORMING AMENDMENTS.—Section 5315 of title 5, United States Code, is amended by striking the item relating to each of the following positions:

(A) Inspector General, Department of Education.

(B) Inspector General, Department of Energy.

(C) Inspector General, Department of Health and Human Services.

(D) Inspector General, Department of Agriculture.

(E) Inspector General, Department of Housing and Urban Development.

(F) Inspector General, Department of Labor.

(G) Inspector General, Department of Transportation.

(H) Inspector General, Department of Veterans Affairs.

(I) Inspector General, Department of Homeland Security.

(J) Inspector General, Department of Defense.

(K) Inspector General, Department of State.

(L) Inspector General, Department of Commerce.

(M) Inspector General, Department of the Interior.

(N) Inspector General, Department of Justice.

(O) Inspector General, Department of the Treasury.

(P) Inspector General, Agency for International Development.

(Q) Inspector General, Environmental Protection Agency.

(R) Inspector General, Export-Import Bank.

(S) Inspector General, Federal Emergency Management Agency.

(T) Inspector General, General Services Administration.

(U) Inspector General, National Aeronautics and Space Administration.

(V) Inspector General, Nuclear Regulatory Commission.

(W) Inspector General, Office of Personnel Management.

(X) Inspector General, Railroad Retirement Board.

(Y) Inspector General, Small Business Administration.

(Z) Inspector General, Tennessee Valley Authority.

(AA) Inspector General, Federal Deposit Insurance Corporation.

(BB) Inspector General, Resolution Trust Corporation.

(CC) Inspector General, Central Intelligence Agency.

(DD) Inspector General, Social Security Administration.

(EE) Inspector General, United States Postal Service.

(3) APPLICABILITY TO OTHER INSPECTORS GENERAL.—

(A) IN GENERAL.—Notwithstanding any other provision of law, the annual rate of basic pay of the Inspector General of the Central Intelligence Agency, the Special Inspector General for Iraq Reconstruction, and the Special Inspector General for Afghanistan Reconstruction shall be that of an Inspector General as defined under section 12(3) of the Inspector General Act of 1978 (5 U.S.C. App.) (as amended by section 7(a) of this Act).

(B) PROHIBITION OF CASH BONUS OR AWARDS.—Section 3(f) of the Inspector General Act of 1978 (5 U.S.C. App.) (as amended by section 5 of this Act) shall apply to the Inspectors General described under subparagraph (A).

(4) ADDITIONAL TECHNICAL AND CONFORMING AMENDMENT.—Section 194(b) of the National and Community Service Act of 1990 (42 U.S.C.

12651e(b)) is amended by striking paragraph (3).

(b) INSPECTORS GENERAL OF DESIGNATED FEDERAL ENTITIES.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the Inspector General of each designated Federal entity (as those terms are defined under section 8G of the Inspector General Act of 1978 (5 U.S.C. App.)) shall, for pay and all other purposes, be classified at a grade, level, or rank designation, as the case may be, at or above those of a majority of the senior level executives of that designated Federal entity (such as a General Counsel, Chief Information Officer, Chief Financial Officer, Chief Human Capital Officer, or Chief Acquisition Officer). The pay of an Inspector General of a designated Federal entity (as those terms are defined under section 8G of the Inspector General Act of 1978 (5 U.S.C. App.)) shall be not less than the average total compensation (including bonuses) of the senior level executives of that designated Federal entity calculated on an annual basis.

(2) LIMITATION ON ADJUSTMENT.—

(A) IN GENERAL.—In the case of an Inspector General of a designated Federal entity whose pay is adjusted under paragraph (1), the total increase in pay in any fiscal year resulting from that adjustment may not exceed 25 percent of the average total compensation (including bonuses) of the Inspector General of that entity for the preceding 3 fiscal years.

(B) SUNSET OF LIMITATION.—The limitation under subparagraph (A) shall not apply to any adjustment made in fiscal year 2013 or each fiscal year thereafter.

(c) SAVINGS PROVISION FOR NEWLY APPOINTED INSPECTORS GENERAL.—

(1) IN GENERAL.—The provisions of section 3392 of title 5, United States Code, other than the terms “performance awards” and “awarding of ranks” in subsection (c)(1) of such section, shall apply to career appointees of the Senior Executive Service who are appointed to the position of Inspector General.

(2) NONREDUCTION IN PAY.—Notwithstanding any other provision of law, career Federal employees serving on an appointment made pursuant to statutory authority found other than in section 3392 of title 5, United States Code, shall not suffer a reduction in pay, not including any bonus or performance award, as a result of being appointed to the position of Inspector General.

(d) SAVINGS PROVISION.—Nothing in this section shall have the effect of reducing the rate of pay of any individual serving on the date of enactment of this section as an Inspector General of—

(1) an establishment as defined under section 12(2) of the Inspector General Act of 1978 (5 U.S.C. App.) (as amended by section 7(a) of this Act);

(2) a designated Federal entity as defined under section 8G(2) of the Inspector General Act of 1978 (5 U.S.C. App.);

(3) a legislative agency for which the position of Inspector General is established by statute; or

(4) any other entity of the Government for which the position of Inspector General is established by statute.

**SEC. 5. PROHIBITION OF CASH BONUS OR AWARDS.**

Section 3 of the Inspector General Act of 1978 (5 U.S.C. App.) (as amended by section 4 of this Act) is further amended by adding at the end the following:

“(f) An Inspector General (as defined under section 8G(a)(6) or 12(3)) may not receive any cash award or cash bonus, including any cash award under chapter 45 of title 5, United States Code.”.

**SEC. 6. SEPARATE COUNSEL TO SUPPORT INSPECTORS GENERAL.**

(a) COUNSELS TO INSPECTORS GENERAL OF ESTABLISHMENT.—Section 3 of the Inspector General Act of 1978 (5 U.S.C. App.) (as amended by sections 4 and 5 of this Act) is further amended by adding at the end the following:

“(g) Each Inspector General shall, in accordance with applicable laws and regulations governing the civil service, obtain legal advice from a counsel either reporting directly to the Inspector General or another Inspector General.”.

(b) COUNSELS TO INSPECTORS GENERAL OF DESIGNATED FEDERAL ENTITIES.—Section 8G(g) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by adding at the end the following:

“(4) Each Inspector General shall—

“(A) in accordance with applicable laws and regulations governing appointments within the designated Federal entity, appoint a Counsel to the Inspector General who shall report to the Inspector General;

“(B) obtain the services of a counsel appointed by and directly reporting to another Inspector General on a reimbursable basis; or

“(C) obtain the services of appropriate staff of the Council of the Inspectors General on Integrity and Efficiency on a reimbursable basis.”.

(c) RULE OF CONSTRUCTION.—Nothing in the amendments made by this section shall be construed to alter the duties and responsibilities of the counsel for any establishment or designated Federal entity, except for the availability of counsel as provided under sections 3(g) and 8G(g) of the Inspector General Act of 1978 (5 U.S.C. App.) (as amended by this section). The Counsel to the Inspector General shall perform such functions as the Inspector General may prescribe.

**SEC. 7. ESTABLISHMENT OF COUNCIL OF THE INSPECTORS GENERAL ON INTEGRITY AND EFFICIENCY.**

(a) ESTABLISHMENT.—The Inspector General Act of 1978 (5 U.S.C. App.) is amended by redesignating sections 11 and 12 as sections 12 and 13, respectively, and by inserting after section 10 the following:

**“SEC. 11. ESTABLISHMENT OF THE COUNCIL OF THE INSPECTORS GENERAL ON INTEGRITY AND EFFICIENCY.**

**“(a) ESTABLISHMENT AND MISSION.—**

**“(1) ESTABLISHMENT.—**There is established as an independent entity within the executive branch the Council of the Inspectors General on Integrity and Efficiency (in this section referred to as the ‘Council’).

**“(2) MISSION.—**The mission of the Council shall be to—

**“(A)** address integrity, economy, and effectiveness issues that transcend individual Government agencies; and

**“(B)** increase the professionalism and effectiveness of personnel by developing policies, standards, and approaches to aid in the establishment of a well-trained and highly skilled workforce in the offices of the Inspectors General.

**“(b) MEMBERSHIP.—**

**“(1) IN GENERAL.—**The Council shall consist of the following members:

**“(A)** All Inspectors General whose offices are established under—

**“(i)** section 2; or

**“(ii)** section 8G.

**“(B)** The Inspectors General of the Office of the Director of National Intelligence and the Central Intelligence Agency.

**“(C)** The Controller of the Office of Federal Financial Management.

**“(D)** A senior level official of the Federal Bureau of Investigation designated by the Director of the Federal Bureau of Investigation.

**“(E)** The Director of the Office of Government Ethics.

“(F) The Special Counsel of the Office of Special Counsel.

“(G) The Deputy Director of the Office of Personnel Management.

“(H) The Deputy Director for Management of the Office of Management and Budget.

“(I) The Inspectors General of the Library of Congress, Capitol Police, Government Printing Office, Government Accountability Office, and the Architect of the Capitol.

“(2) CHAIRPERSON AND EXECUTIVE CHAIRPERSON.—

“(A) EXECUTIVE CHAIRPERSON.—The Deputy Director for Management of the Office of Management and Budget shall be the Executive Chairperson of the Council.

“(B) CHAIRPERSON.—The Council shall elect 1 of the Inspectors General referred to in paragraph (1)(A) or (B) to act as Chairperson of the Council. The term of office of the Chairperson shall be 2 years.

“(3) FUNCTIONS OF CHAIRPERSON AND EXECUTIVE CHAIRPERSON.—

“(A) EXECUTIVE CHAIRPERSON.—The Executive Chairperson shall—

“(i) preside over meetings of the Council;

“(ii) provide to the heads of agencies and entities represented on the Council summary reports of the activities of the Council; and

“(iii) provide to the Council such information relating to the agencies and entities represented on the Council as assists the Council in performing its functions.

“(B) CHAIRPERSON.—The Chairperson shall—

“(i) convene meetings of the Council—

“(I) at least 6 times each year;

“(II) monthly to the extent possible; and

“(III) more frequently at the discretion of the Chairperson;

“(ii) carry out the functions and duties of the Council under subsection (c);

“(iii) appoint a Vice Chairperson to assist in carrying out the functions of the Council and act in the absence of the Chairperson, from a category of Inspectors General described in subparagraph (A)(i), (A)(ii), or (B) of paragraph (1), other than the category from which the Chairperson was elected;

“(iv) make such payments from funds otherwise available to the Council as may be necessary to carry out the functions of the Council;

“(v) select, appoint, and employ personnel as needed to carry out the functions of the Council subject to the provisions of title 5, United States Code, governing appointments in the competitive service, and the provisions of chapter 51 and subchapter III of chapter 53 of such title, relating to classification and General Schedule pay rates;

“(vi) to the extent and in such amounts as may be provided in advance by appropriations Acts, made available from the revolving fund established under subsection (c)(3)(B), or as otherwise provided by law, enter into contracts and other arrangements with public agencies and private persons to carry out the functions and duties of the Council;

“(vii) establish, in consultation with the members of the Council, such committees as determined by the Chairperson to be necessary and appropriate for the efficient conduct of Council functions; and

“(viii) prepare and transmit a report annually on behalf of the Council to the President on the activities of the Council.

“(c) FUNCTIONS AND DUTIES OF COUNCIL.—

“(1) IN GENERAL.—The Council shall—

“(A) continually identify, review, and discuss areas of weakness and vulnerability in Federal programs and operations with respect to fraud, waste, and abuse;

“(B) develop plans for coordinated, Governmentwide activities that address these problems and promote economy and efficiency in Federal programs and operations, including

interagency and interentity audit, investigation, inspection, and evaluation programs and projects to deal efficiently and effectively with those problems concerning fraud and waste that exceed the capability or jurisdiction of an individual agency or entity;

“(C) develop policies that will aid in the maintenance of a corps of well-trained and highly skilled Office of Inspector General personnel;

“(D) maintain an Internet website and other electronic systems for the benefit of all Inspectors General, as the Council determines are necessary or desirable;

“(E) maintain 1 or more academies as the Council considers desirable for the professional training of auditors, investigators, inspectors, evaluators, and other personnel of the various offices of Inspector General;

“(F) submit recommendations of individuals to the appropriate appointing authority for any appointment to an office of Inspector General described under subsection (b)(1)(A) or (B);

“(G) make such reports to Congress as the Chairperson determines are necessary or appropriate; and

“(H) perform other duties within the authority and jurisdiction of the Council, as appropriate.

“(2) ADHERENCE AND PARTICIPATION BY MEMBERS.—To the extent permitted under law, and to the extent not inconsistent with standards established by the Comptroller General of the United States for audits of Federal establishments, organizations, programs, activities, and functions, each member of the Council, as appropriate, shall—

“(A) adhere to professional standards developed by the Council; and

“(B) participate in the plans, programs, and projects of the Council, except that in the case of a member described under subsection (b)(1)(I), the member shall participate only to the extent requested by the member and approved by the Executive Chairperson and Chairperson.

“(3) ADDITIONAL ADMINISTRATIVE AUTHORITIES.—

“(A) INTERAGENCY FUNDING.—Notwithstanding section 1532 of title 31, United States Code, or any other provision of law prohibiting the interagency funding of activities described under subclause (I), (II), or (III) of clause (i), in the performance of the responsibilities, authorities, and duties of the Council—

“(i) the Executive Chairperson may authorize the use of interagency funding for—

“(I) Governmentwide training of employees of the Offices of the Inspectors General;

“(II) the functions of the Integrity Committee of the Council; and

“(III) any other authorized purpose determined by the Council; and

“(ii) upon the authorization of the Executive Chairperson, any department, agency, or entity of the executive branch which has a member on the Council shall fund or participate in the funding of such activities.

“(B) REVOLVING FUND.—

“(i) IN GENERAL.—The Council may—

“(I) establish in the Treasury of the United States a revolving fund to be called the Inspectors General Council Fund; or

“(II) enter into an arrangement with a department or agency to use an existing revolving fund.

“(ii) AMOUNTS IN REVOLVING FUND.—

“(I) IN GENERAL.—Amounts transferred to the Council under this subsection shall be deposited in the revolving fund described under clause (i)(I) or (II).

“(II) TRAINING.—Any remaining unexpended balances appropriated for or otherwise available to the Inspectors General Criminal Investigator Academy and the Inspectors General Auditor Training Institute

shall be transferred to the revolving fund described under clause (i)(I) or (II).

“(iii) USE OF REVOLVING FUND.—

“(I) IN GENERAL.—Except as provided under subclause (II), amounts in the revolving fund described under clause (i)(I) or (II) may be used to carry out the functions and duties of the Council under this subsection.

“(II) TRAINING.—Amounts transferred into the revolving fund described under clause (i)(I) or (II) may be used for the purpose of maintaining any training academy as determined by the Council.

“(iv) AVAILABILITY OF FUNDS.—Amounts in the revolving fund described under clause (i)(I) or (II) shall remain available to the Council without fiscal year limitation.

“(C) SUPERSEDING PROVISIONS.—No provision of law enacted after the date of enactment of this subsection shall be construed to limit or supersede any authority under subparagraph (A) or (B), unless such provision makes specific reference to the authority in that paragraph.

“(4) EXISTING AUTHORITIES AND RESPONSIBILITIES.—The establishment and operation of the Council shall not affect—

“(A) the role of the Department of Justice in law enforcement and litigation;

“(B) the authority or responsibilities of any Government agency or entity; and

“(C) the authority or responsibilities of individual members of the Council.

“(d) INTEGRITY COMMITTEE.—

“(1) ESTABLISHMENT.—The Council shall have an Integrity Committee, which shall receive, review, and refer for investigation allegations of wrongdoing that are made against Inspectors General and staff members of the various Offices of Inspector General described under paragraph (4)(C).

“(2) MEMBERSHIP.—The Integrity Committee shall consist of the following members:

“(A) The official of the Federal Bureau of Investigation serving on the Council, who shall serve as Chairperson of the Integrity Committee, and maintain the records of the Committee.

“(B) Four Inspectors General described in subparagraph (A) or (B) of subsection (b)(1) appointed by the Chairperson of the Council, representing both establishments and designated Federal entities (as that term is defined in section 8G(a)).

“(C) The Special Counsel of the Office of Special Counsel.

“(D) The Director of the Office of Government Ethics.

“(3) LEGAL ADVISOR.—The Chief of the Public Integrity Section of the Criminal Division of the Department of Justice, or his designee, shall serve as a legal advisor to the Integrity Committee.

“(4) REFERRAL OF ALLEGATIONS.—

“(A) REQUIREMENT.—An Inspector General shall refer to the Integrity Committee any allegation of wrongdoing against a staff member of the office of that Inspector General, if—

“(i) review of the substance of the allegation cannot be assigned to an agency of the executive branch with appropriate jurisdiction over the matter; and

“(ii) the Inspector General determines that—

“(I) an objective internal investigation of the allegation is not feasible; or

“(II) an internal investigation of the allegation may appear not to be objective.

“(B) DEFINITION.—In this paragraph the term ‘staff member’ means any employee of an Office of Inspector General who—

“(i) reports directly to an Inspector General; or

“(ii) is designated by an Inspector General under subparagraph (C).

“(C) DESIGNATION OF STAFF MEMBERS.—Each Inspector General shall annually submit to the Chairperson of the Integrity Committee a designation of positions whose holders are staff members for purposes of subparagraph (B).

“(5) REVIEW OF ALLEGATIONS.—The Integrity Committee shall—

“(A) review all allegations of wrongdoing the Integrity Committee receives against an Inspector General, or against a staff member of an Office of Inspector General described under paragraph (4)(C);

“(B) refer any allegation of wrongdoing to the agency of the executive branch with appropriate jurisdiction over the matter; and

“(C) refer to the Chairperson of the Integrity Committee any allegation of wrongdoing determined by the Integrity Committee under subparagraph (A) to be potentially meritorious that cannot be referred to an agency under subparagraph (B).

“(6) AUTHORITY TO INVESTIGATE ALLEGATIONS.—

“(A) REQUIREMENT.—The Chairperson of the Integrity Committee shall cause a thorough and timely investigation of each allegation referred under paragraph (5)(C) to be conducted in accordance with this paragraph.

“(B) RESOURCES.—At the request of the Chairperson of the Integrity Committee, the head of each agency or entity represented on the Council—

“(i) may provide resources necessary to the Integrity Committee; and

“(ii) may detail employees from that agency or entity to the Integrity Committee, subject to the control and direction of the Chairperson, to conduct an investigation under this subsection.

“(7) PROCEDURES FOR INVESTIGATIONS.—

“(A) STANDARDS APPLICABLE.—Investigations initiated under this subsection shall be conducted in accordance with the most current Quality Standards for Investigations issued by the Council or by its predecessors (the President's Council on Integrity and Efficiency and the Executive Council on Integrity and Efficiency).

“(B) ADDITIONAL POLICIES AND PROCEDURES.—

“(i) ESTABLISHMENT.—The Integrity Committee, in conjunction with the Chairperson of the Council, shall establish additional policies and procedures necessary to ensure fairness and consistency in—

“(I) determining whether to initiate an investigation;

“(II) conducting investigations;

“(III) reporting the results of an investigation; and

“(IV) providing the person who is the subject of an investigation with an opportunity to respond to any Integrity Committee report.

“(ii) SUBMISSION TO CONGRESS.—The Council shall submit a copy of the policies and procedures established under clause (i) to the congressional committees of jurisdiction.

“(C) REPORTS.—

“(i) POTENTIALLY MERITORIOUS ALLEGATIONS.—For allegations described under paragraph (5)(C), the Chairperson of the Integrity Committee shall make a report containing the results of the investigation of the Chairperson and shall provide such report to members of the Integrity Committee.

“(ii) ALLEGATIONS OF WRONGDOING.—For allegations referred to an agency under paragraph (5)(B), the head of that agency shall make a report containing the results of the investigation and shall provide such report to members of the Integrity Committee.

“(8) ASSESSMENT AND FINAL DISPOSITION.—

“(A) IN GENERAL.—With respect to any report received under paragraph (7)(C), the Integrity Committee shall—

“(i) assess the report;

“(ii) forward the report, with the recommendations of the Integrity Committee, including those on disciplinary action, within 30 days (to the maximum extent practicable) after the completion of the investigation, to the Executive Chairperson of the Council and to the President (in the case of a report relating to an Inspector General of an establishment or any employee of that Inspector General) or the head of a designated Federal entity (in the case of a report relating to an Inspector General of such an entity or any employee of that Inspector General) for resolution; and

“(iii) submit to the Committee on Government Oversight and Reform of the House of Representatives, the Committee on Homeland Security and Governmental Affairs of the Senate, and other congressional committees of jurisdiction an executive summary of such report and recommendations within 30 days after the submission of such report to the Executive Chairperson under clause (ii).

“(B) DISPOSITION.—The Executive Chairperson of the Council shall report to the Integrity Committee the final disposition of the matter, including what action was taken by the President or agency head.

“(9) ANNUAL REPORT.—The Council shall submit to Congress and the President by December 31 of each year a report on the activities of the Integrity Committee during the preceding fiscal year, which shall include the following:

“(A) The number of allegations received.

“(B) The number of allegations referred to other agencies, including the number of allegations referred for criminal investigation.

“(C) The number of allegations referred to the Chairperson of the Integrity Committee for investigation.

“(D) The number of allegations closed without referral.

“(E) The date each allegation was received and the date each allegation was finally disposed of.

“(F) In the case of allegations referred to the Chairperson of the Integrity Committee, a summary of the status of the investigation of the allegations and, in the case of investigations completed during the preceding fiscal year, a summary of the findings of the investigations.

“(G) Other matters that the Council considers appropriate.

“(10) REQUESTS FOR MORE INFORMATION.—With respect to paragraphs (8) and (9), the Council shall provide more detailed information about specific allegations upon request from any of the following:

“(A) The chairperson or ranking member of the Committee on Homeland Security and Governmental Affairs of the Senate.

“(B) The chairperson or ranking member of the Committee on Oversight and Government Reform of the House of Representatives.

“(C) The chairperson or ranking member of the congressional committees of jurisdiction.

“(11) NO RIGHT OR BENEFIT.—This subsection is not intended to create any right or benefit, substantive or procedural, enforceable at law by a person against the United States, its agencies, its officers, or any person.”

(b) ALLEGATIONS OF WRONGDOING AGAINST SPECIAL COUNSEL OR DEPUTY SPECIAL COUNSEL.—

(1) DEFINITIONS.—In this section—

(A) the term “Integrity Committee” means the Integrity Committee established under section 11(d) of the Inspector General Act of 1978 (5 U.S.C. App.), as amended by this Act; and

(B) the term “Special Counsel” refers to the Special Counsel appointed under section 1211(b) of title 5, United States Code.

(2) AUTHORITY OF INTEGRITY COMMITTEE.—

(A) IN GENERAL.—An allegation of wrongdoing against the Special Counsel or the Deputy Special Counsel may be received, reviewed, and referred for investigation by the Integrity Committee to the same extent and in the same manner as in the case of an allegation against an Inspector General (or a member of the staff of an Office of Inspector General), subject to the requirement that the Special Counsel recuse himself or herself from the consideration of any allegation brought under this paragraph.

(B) COORDINATION WITH EXISTING PROVISIONS OF LAW.—This subsection does not eliminate access to the Merit Systems Protection Board for review under section 7701 of title 5, United States Code. To the extent that an allegation brought under this subsection involves section 2302(b)(8) of that title, a failure to obtain corrective action within 120 days after the date on which that allegation is received by the Integrity Committee shall, for purposes of section 1221 of such title, be considered to satisfy section 1214(a)(3)(B) of that title.

(3) REGULATIONS.—The Integrity Committee may prescribe any rules or regulations necessary to carry out this subsection, subject to such consultation or other requirements as might otherwise apply.

(c) EFFECTIVE DATE AND EXISTING EXECUTIVE ORDERS.—

(1) COUNCIL.—Not later than 180 days after the date of the enactment of this Act, the Council of the Inspectors General on Integrity and Efficiency established under this section shall become effective and operational.

(2) EXECUTIVE ORDERS.—Executive Order No. 12805, dated May 11, 1992, and Executive Order No. 12933, dated March 21, 1996 (as in effect before the date of the enactment of this Act) shall have no force or effect on and after the earlier of—

(A) the date on which the Council of the Inspectors General on Integrity and Efficiency becomes effective and operational as determined by the Executive Chairperson of the Council; or

(B) the last day of the 180-day period beginning on the date of enactment of this Act.

(d) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) INSPECTOR GENERAL ACT OF 1978.—The Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(A) in sections 2(1), 4(b)(2), and 8G(a)(1)(A) by striking “section 11(2)” each place it appears and inserting “section 12(2)”; and

(B) in section 8G(a), in the matter preceding paragraph (1), by striking “section 11” and inserting “section 12”.

(2) SEPARATE APPROPRIATIONS ACCOUNT.—Section 1105(a) of title 31, United States Code, is amended by striking the first paragraph (33) and inserting the following:

“(33) a separate appropriation account for appropriations for the Council of the Inspectors General on Integrity and Efficiency, and, included in that account, a separate statement of the aggregate amount of appropriations requested for each academy maintained by the Council of the Inspectors General on Integrity and Efficiency.”

## SEC. 8. SUBMISSION OF BUDGET REQUESTS TO CONGRESS.

Section 6 of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by adding at the end the following:

“(f)(1) For each fiscal year, an Inspector General shall transmit a budget estimate and request to the head of the establishment or designated Federal entity to which the Inspector General reports. The budget request

shall specify the aggregate amount of funds requested for such fiscal year for the operations of that Inspector General and shall specify the amount requested for all training needs, including a certification from the Inspector General that the amount requested satisfies all training requirements for the Inspector General's office for that fiscal year, and any resources necessary to support the Council of the Inspectors General on Integrity and Efficiency. Resources necessary to support the Council of the Inspectors General on Integrity and Efficiency shall be specifically identified and justified in the budget request.

“(2) In transmitting a proposed budget to the President for approval, the head of each establishment or designated Federal entity shall include—

“(A) an aggregate request for the Inspector General;

“(B) amounts for Inspector General training;

“(C) amounts for support of the Council of the Inspectors General on Integrity and Efficiency; and

“(D) any comments of the affected Inspector General with respect to the proposal.

“(3) The President shall include in each budget of the United States Government submitted to Congress—

“(A) a separate statement of the budget estimate prepared in accordance with paragraph (1);

“(B) the amount requested by the President for each Inspector General;

“(C) the amount requested by the President for training of Inspectors General;

“(D) the amount requested by the President for support for the Council of the Inspectors General on Integrity and Efficiency; and

“(E) any comments of the affected Inspector General with respect to the proposal if the Inspector General concludes that the budget submitted by the President would substantially inhibit the Inspector General from performing the duties of the office.”.

#### SEC. 9. SUBPOENA POWER.

Section 6(a)(4) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) by inserting “in any medium (including electronically stored information, as well as any tangible thing)” after “other data”; and

(2) by striking “subpena” and inserting “subpoena”.

#### SEC. 10. PROGRAM FRAUD CIVIL REMEDIES ACT.

Section 3801(a)(1) of title 31, United States Code, is amended—

(1) in subparagraph (D), by striking “and” after the semicolon;

(2) in subparagraph (E), by striking the period and inserting “; and”; and

(3) by adding at the end the following:

“(F) a designated Federal entity (as such term is defined under section 8G(a)(2) of the Inspector General Act of 1978);”.

#### SEC. 11. LAW ENFORCEMENT AUTHORITY FOR DESIGNATED FEDERAL ENTITIES.

Section 6(e) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) in paragraph (1) by striking “appointed under section 3”; and

(2) by adding at the end the following:

“(9) In this subsection, the term ‘Inspector General’ means an Inspector General appointed under section 3 or an Inspector General appointed under section 8G.”.

#### SEC. 12. APPLICATION OF SEMIANNUAL REPORTING REQUIREMENTS WITH RESPECT TO INSPECTION REPORTS AND EVALUATION REPORTS.

Section 5 of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) in each of subsections (a)(6), (a)(8), (a)(9), (b)(2), and (b)(3)—

(A) by inserting “, inspection reports, and evaluation reports” after “audit reports” the first place it appears; and

(B) by striking “audit” the second place it appears; and

(2) in subsection (a)(10) by inserting “, inspection reports, and evaluation reports” after “audit reports”.

#### SEC. 13. INFORMATION ON WEBSITES OF OFFICES OF INSPECTORS GENERAL.

(a) IN GENERAL.—The Inspector General Act of 1978 (5 U.S.C. App.) is amended by inserting after section 8K the following:

##### “SEC. 8L. INFORMATION ON WEBSITES OF OFFICES OF INSPECTORS GENERAL.

“(a) DIRECT LINKS TO INSPECTORS GENERAL OFFICES.—

“(1) IN GENERAL.—Each agency shall establish and maintain on the homepage of the website of that agency, a direct link to the website of the Office of the Inspector General of that agency.

“(2) ACCESSIBILITY.—The direct link under paragraph (1) shall be obvious and facilitate accessibility to the website of the Office of the Inspector General.

“(b) REQUIREMENTS FOR INSPECTORS GENERAL WEBSITES.—

“(1) POSTING OF REPORTS AND AUDITS.—The Inspector General of each agency shall—

“(A) not later than 3 days after any report or audit (or portion of any report or audit) is made publicly available, post that report or audit (or portion of that report or audit) on the website of the Office of Inspector General; and

“(B) ensure that any posted report or audit (or portion of that report or audit) described under subparagraph (A)—

“(i) is easily accessible from a direct link on the homepage of the website of the Office of the Inspector General;

“(ii) includes a summary of the findings of the Inspector General; and

“(iii) is in a format that—

“(I) is searchable and downloadable; and

“(II) facilitates printing by individuals of the public accessing the website.

“(2) REPORTING OF FRAUD, WASTE, AND ABUSE.—

“(A) IN GENERAL.—The Inspector General of each agency shall establish and maintain a direct link on the homepage of the website of the Office of the Inspector General for individuals to report fraud, waste, and abuse. Individuals reporting fraud, waste, or abuse using the direct link established under this paragraph shall not be required to provide personally identifying information relating to that individual.

“(B) ANONYMITY.—The Inspector General of each agency shall not disclose the identity of any individual making a report under this paragraph without the consent of the individual unless the Inspector General determines that such a disclosure is unavoidable during the course of the investigation.”.

(b) REPEAL.—Section 746(b) of the Financial Services and General Government Appropriations Act, 2008 (5 U.S.C. App. note; 121 Stat. 2034) is repealed.

(c) IMPLEMENTATION.—Not later than 180 days after the date of enactment of this Act, the head of each agency and the Inspector General of each agency shall implement the amendment made by this section.

#### SEC. 14. OTHER ADMINISTRATIVE AUTHORITIES.

(a) IN GENERAL.—Section 6(d) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended to read as follows:

“(d)(1)(A) For purposes of applying the provisions of law identified in subparagraph (B)—

“(i) each Office of Inspector General shall be considered to be a separate agency; and

“(ii) the Inspector General who is the head of an office referred to in clause (i) shall, with respect to such office, have the functions, powers, and duties of an agency head or appointing authority under such provisions.

“(B) This paragraph applies with respect to the following provisions of title 5, United States Code:

“(i) Subchapter II of chapter 35.

“(ii) Sections 8335(b), 8336, 8344, 8414, 8468, and 8425(b).

“(iii) All provisions relating to the Senior Executive Service (as determined by the Office of Personnel Management), subject to paragraph (2).

“(2) For purposes of applying section 4507(b) of title 5, United States Code, paragraph (1)(A)(ii) shall be applied by substituting ‘the Council of the Inspectors General on Integrity and Efficiency (established by section 11 of the Inspector General Act)’ shall for ‘the Inspector General who is the head of an office referred to in clause (i) shall, with respect to such office.’.”

(b) AUTHORITY OF TREASURY INSPECTOR GENERAL FOR TAX ADMINISTRATION TO PROTECT INTERNAL REVENUE SERVICE EMPLOYEES.—Section 8D(k)(1)(C) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by striking “physical security” and inserting “protection to the Commissioner of Internal Revenue”.

#### AUTHORITY FOR COMMITTEES TO MEET

##### COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be authorized to meet during the session of the Senate on Wednesday, September 24, 2008, at 9:30 a.m. in room 328A of the Russell Senate Office Building.

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

##### COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY AND THE AD HOC SUBCOMMITTEE ON DISASTER RECOVERY

Mr. REID. Mr. President, I ask unanimous consent that the Senate Committee on Agriculture, Nutrition, and Forestry and the Senate Committee on Homeland Security and Governmental Affairs, Ad Hoc Subcommittee on Disaster Recovery be authorized to meet during the session of the Senate on Wednesday, September 24, 2008, at 10 a.m. in room 328A of the Russell Senate Office Building.

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

##### AD HOC SUBCOMMITTEE ON STATE, LOCAL, AND PRIVATE SECTOR PREPAREDNESS AND INTEGRATION

Mr. REID. Mr. President, I ask unanimous consent that the Ad Hoc Subcommittee on State, Local, and Private Sector Preparedness and Integration of the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on Wednesday, September 24, 2008, at 2:30 p.m. to conduct a hearing entitled “Mission Possible: FEMA’s Future Preparedness Planning.”

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

##### COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during

the session of the Senate on Wednesday, September 24, 2008, at 10 a.m. in room 253 of the Russell Senate Office Building.

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

COMMITTEE ON COMMERCE, SCIENCE, AND  
TRANSPORTATION

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on Wednesday, September 24, 2008, at 2:30 p.m., in room 253 of the Russell Senate Office Building.

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

COMMITTEE ON ENVIRONMENT AND PUBLIC  
WORKS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on Wednesday, September 24, 2008 at 2:30 p.m. in room 406 of the Dirksen Senate Office Building to conduct a hearing entitled "Bush Administration Environmental Record at Department of the Interior and Environmental Protection Agency."

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

COMMITTEE ON HOMELAND SECURITY AND  
GOVERNMENTAL AFFAIRS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on Wednesday, September 24, 2008, at 10 a.m. to conduct a hearing entitled "Domestic Partner Benefits for Federal Employees: Fair Policy and Good Business."

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

COMMITTEE ON FOREIGN RELATIONS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, September 24, 2008, at 9:30 a.m.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, September 24, 2008, at 2:30 p.m.

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

COMMITTEE ON VETERANS' AFFAIRS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be authorized to meet during the session of the Senate on Wednesday, September 24, 2008. The Committee will meet in room 418 of the Russell Building beginning at 9:30 a.m.

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

SPECIAL COMMITTEE ON AGING

Mr. REID. Mr. President, I ask unanimous consent that the Special Com-

mittee on Aging be authorized to meet during the session of the Senate on Wednesday, September 24, 2008, from 10:30 a.m.-12:30 p.m. in Dirksen 562 for the purpose of conducting a hearing.

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

SUBCOMMITTEE ON HUMAN RIGHTS AND THE LAW

Mr. REID. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary, Subcommittee on Human Rights and the Law, be authorized to meet during the session of the Senate, to conduct a hearing entitled "Extracting Natural Resources: Corporate Responsibility and the Rule of Law" on Wednesday, September 24, 2008, at 10:45 a.m., in room SH-216 of the Hart Senate Office Building.

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

SUBCOMMITTEE ON TERRORISM, TECHNOLOGY,  
AND HOMELAND SECURITY

Mr. REID. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary, Subcommittee on Terrorism, Technology, and Homeland Security, be authorized to meet during the session of the Senate, to conduct a hearing entitled "The Visa Waiver Program: Mitigating the program risks to ensure the safety of all Americans" on Wednesday, September 24, 2008, at 2:30 p.m., in room SH-216 of the Hart Senate Office Building.

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

PRIVILEGES OF THE FLOOR

Mr. SALAZAR. Mr. President, I ask unanimous consent that Elaine Ulrich, a legislative fellow in my office, be granted floor privileges for the remainder of the session.

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

MILITARY PERSONNEL  
CITIZENSHIP PROCESSING ACT

Mr. SALAZAR. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 936, S. 2840.

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

The legislative clerk read as follows:

A bill (S. 2840) to establish a liaison with the Federal Bureau of Investigation in the United States Citizenship and Immigration Services to expedite naturalization applications filed by members of the Armed Forces and to establish a deadline for processing such applications.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on the Judiciary with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

S. 2840

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Military Personnel Citizenship Processing Act".

SEC. 2. OFFICE OF THE FBI LIAISON.

(a) ESTABLISHMENT.—Section 451 of the Homeland Security Act of 2002 (6 U.S.C. 271) is amended by adding at the end the following:

"(g) OFFICE OF THE FBI LIAISON.—

"(1) IN GENERAL.—There shall be an Office of the FBI Liaison in the Department of Homeland Security.

"(2) FUNCTIONS.—The Office of the FBI Liaison shall monitor the progress of the functions of the Federal Bureau of Investigation in the naturalization process to assist in the expeditious completion of all such functions pertaining to naturalization applications filed by, or on behalf of—

"(A) current or former members of the Armed Forces under section 328 or 329 of the Immigration and Nationality Act (8 U.S.C. 1439 and 1440);

"(B) current spouses of United States citizens who are currently serving on active duty in the Armed Forces, who qualify for naturalization under section 319(b) of the Immigration and Nationality Act (8 U.S.C. 1430(b)), and surviving spouses and children who qualify for naturalization under section 319(d) of such Act; or

"(C) a deceased individual who is eligible for posthumous citizenship under section 329A of the Immigration and Nationality Act (8 U.S.C. 1440-1).

"(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this subsection."

(b) RULEMAKING.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Homeland Security, in consultation with the Attorney General, shall promulgate rules to carry out the amendment made by subsection (a).

SEC. 3. DEADLINE FOR PROCESSING AND ADJUDICATING NATURALIZATION APPLICATIONS FILED BY CURRENT OR FORMER MEMBERS OF THE ARMED FORCES AND THEIR SPOUSES AND CHILDREN.

(a) IN GENERAL.—Section 328 of the Immigration and Nationality Act (8 U.S.C. 1439) is amended by adding at the end the following:

"(g) Not later than 6 months after receiving an application for naturalization filed by a current member of the Armed Forces under subsection (a), section 329(a), or section 329A, by the spouse of such member under section 319(b), or by a surviving spouse or child under section 319(d), United States Citizenship and Immigration Services shall—

"(1) process and adjudicate the application, including completing all required background checks to the satisfaction of the Secretary of Homeland Security; or

"(2) provide the applicant with—

"(A) an explanation for its inability to meet the processing and adjudication deadline under this subsection; and

"(B) an estimate of the date by which the application will be processed and adjudicated.

"(h) The Director of United States Citizenship and Immigration Services shall submit an annual report to the Subcommittee on Immigration, Border Security, and Refugees and the Subcommittee on Homeland Security of the Senate and the Subcommittee on Immigration, Citizenship, Refugees, Border Security, and International Law and the Subcommittee on Homeland Security of the House of Representatives that identifies every application filed under subsection (a), subsection (b) or (d) of section 319, section 329(a), or section 329A that is not processed and adjudicated within 1 year after it was filed due to delays in conducting required background checks."

(b) GAO REPORT.—Not later than 180 days after the date of the enactment of this Act, the Comptroller General shall submit a report to Congress that contains the results of a study regarding the average length of time taken by United States Citizenship and Immigration Services to process and adjudicate applications for

*naturalization filed by members of the Armed Forces, deceased members of the Armed Forces, and their spouses and children.*

#### SEC. 4. SUNSET PROVISION.

*This Act and the amendments made by this Act are repealed on the date that is 5 years after the date of the enactment of this Act.*

Mr. SALAZAR. I ask unanimous consent that the committee substitute 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 any statements be printed in the RECORD.

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

The committee amendment in the nature of a substitute was agreed to.

The bill (S. 2840), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

#### OREGON SURPLUS FEDERAL LAND ACT OF 2008

Mr. SALAZAR. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 6370, which was received from the House.

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

The legislative clerk read as follows:

A bill (H.R. 6370) to transfer excess Federal property administered by the Coast Guard to the Confederated Tribes of the Coos, Lower Umpqua, and Siuslaw Indians.

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

Mr. SALAZAR. I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

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

The bill (H.R. 6370) was ordered to be read a third time, was read the third time, and passed.

#### DESIGNATING THE JOHN W. WARNER RAPIDS

Mr. SALAZAR. Madam President, I ask unanimous consent that the Senate now proceed to the immediate consideration of Calendar No. 1053, S. 3550.

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

The legislative clerk read as follows:

A bill (S. 3550) to designate a portion of the Rappahannock River in the Commonwealth of Virginia as the "John W. Warner Rapids."

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

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

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

The bill (S. 3550) was ordered to be engrossed for a third reading, was read the third time and passed, as follows:

S. 3550

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

#### SECTION 1. JOHN W. WARNER RAPIDS, FREDERICKSBURG, VIRGINIA.

(a) DESIGNATION.—The portion of the Rappahannock River comprised of the manmade rapids located at the site of the former Embrey Dam in Fredericksburg, Virginia, and centered at the coordinates of N. 38.3225 latitude, W. 077.4900 longitude, shall be known and designated as the "John W. Warner Rapids".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the portion of the Rappahannock River referred to in subsection (a) shall be deemed to be a reference to the John W. Warner Rapids.

#### IMPROVING GOVERNMENT ACCOUNTABILITY ACT

Mr. SALAZAR. Madam President, I ask unanimous consent the Homeland Security and Governmental Affairs Committee be discharged from further consideration of H.R. 928, and the Senate proceed to its immediate consideration.

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

The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 928) to amend the Inspector General Act of 1978 to enhance the independence of the Inspectors General, to create a Council of the Inspectors General on Integrity and Efficiency, and for other purposes.

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

Mr. SALAZAR. Madam President, I ask unanimous consent that a McCaskill 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 relating thereto be printed in the RECORD.

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

The amendment (No. 5644) was agreed to.

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

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

The bill (H.R. 928), as amended, was read the third time and passed.

#### AUTHORIZING DOCUMENT PRODUCTION

Mr. SALAZAR. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 680, which was submitted earlier today.

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

The legislative clerk read as follows:

A resolution (S. Res. 680) to authorize the production of records by the Permanent Subcommittee on Investigations of the Committee on Homeland Security and Governmental Affairs.

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

Mr. REID. Madam President, the Permanent Subcommittee on Investigations of the Committee on Homeland Security and Governmental Affairs has received requests from various law enforcement and regulatory agencies, seeking access to records that the Subcommittee obtained during its recent investigation into how financial institutions have designed, marketed, and implemented transactions intended to enable foreign taxpayers to avoid taxes on U.S. stock dividends.

This resolution would authorize the chairman and ranking minority member of the Permanent Subcommittee on Investigations, acting jointly, to provide records, obtained by the Subcommittee in the course of its investigation, in response to these requests and any similar requests from government entities and officials with a legitimate need for the records.

Mr. SALAZAR. I ask unanimous consent that the resolution be agreed to and the motion to reconsider be laid upon the table; that any statements be printed in the RECORD as if read.

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

The resolution (S. Res. 680) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, read as follows:

S. RES. 680

Whereas, the Permanent Subcommittee on Investigations of the Committee on Homeland Security and Governmental Affairs conducted an investigation into how financial institutions have designed, marketed, and implemented transactions intended to enable foreign taxpayers to avoid taxes, on U.S. stock dividends;

Whereas, the Subcommittee has received requests from law enforcement and regulatory agencies for access to records of the Subcommittee's investigation;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate can, by administrative or judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate is needed for the promotion of justice, the Senate will take such action as will promote the ends of justice consistent with the privileges of the Senate: Now, therefore, be it

*Resolved*, That the Chairman and Ranking Minority Member of the Permanent Subcommittee on Investigations of the Committee on Homeland Security and Governmental Affairs, acting jointly, are authorized to provide to law enforcement officials, regulatory agencies, and other entities or individuals duly authorized by federal, state, or foreign governments, records of the Subcommittee's investigation into how financial institutions have designed, marketed, and implemented transactions intended to enable foreign taxpayers to avoid taxes on U.S. stock dividends.

#### HISPANIC HERITAGE MONTH

Mr. SALAZAR. I ask unanimous consent that the Senate now proceed to



the immediate consideration of S. Res. 682, submitted earlier today by this Senator from Colorado.

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

The legislative clerk read as follows:

A resolution (S. Res. 682) recognizing Hispanic Heritage Month and celebrating the heritage and culture of Hispanic Americans and their immense contribution to the Nation.

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

Mr. SALAZAR. 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 be printed in the RECORD.

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

The resolution (S. Res. 682) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

#### S. RES. 682

Whereas from September 15, 2008, through October 15, 2008, the country celebrates Hispanic Heritage Month;

Whereas the Census Bureau estimates the Hispanic population in the United States at 45,500,000 people, making Hispanic Americans the largest ethnic minority within the United States;

Whereas 1 in 3 United States public school students is Hispanic, and the total number of Hispanic students enrolled in our Nation's public schools is expected to reach 28,000,000 by 2050;

Whereas the purchasing power of Hispanic Americans has reached \$870,000,000,000 by 2008 and there are more than 1,600,000 Hispanic-owned firms in the United States, supporting 1,536,795 employees nationwide;

Whereas Hispanic Americans serve in all branches of the Armed Forces, bravely fought in every war in United States history, and continue to serve with distinction in Afghanistan and Iraq;

Whereas 140,000 Hispanic soldiers served in the Korean War;

Whereas more than 80,000 Hispanics served in the Vietnam War, representing 5.5 percent of those who made the ultimate sacrifice for their country in that conflict although they comprised only 4.5 percent of the United States population at the time;

Whereas, as of August 2, 2008, approximately 11 percent of the more than 4,122 United States military fatalities in Iraq have been Hispanic;

Whereas there are more than 1,100,000 Hispanic veterans of the United States Armed Forces;

Whereas 43 Hispanic Americans have received the Congressional Medal of Honor, the highest award for valor in action against an enemy force which can be bestowed upon an individual serving in the United States Armed Forces;

Whereas Hispanic Americans are dedicated public servants, holding posts at the highest levels of government, including 3 seats in the United States Senate; and

Whereas Hispanic Americans harbor a deep commitment to family and community, an enduring work ethic, and a perseverance to succeed and contribute to society: Now, therefore, be it

*Resolved*, That the Senate—

(1) recognizes the celebration of Hispanic Heritage Month from September 15, 2008, through October 15, 2008;

(2) honors the heritage and culture of Hispanic Americans and their immense contributions to the life of the Nation; and

(3) urges the people of the United States to observe Hispanic Heritage Month with appropriate programs and activities.

#### NATIONAL CHILDHOOD LEAD POISONING PREVENTION WEEK

Mr. SALAZAR. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 683, submitted earlier today by Senator REED of Rhode Island.

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

The legislative clerk read as follows:

A resolution (S. Res. 683) designating the week of October 19 through October 25, 2008, as "National Childhood Lead Poisoning Prevention Week."

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

Mr. SALAZAR. 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. 683) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

#### S. RES. 683

Whereas lead poisoning is one of the leading environmental health hazards facing children in the United States;

Whereas approximately 240,000 children in the United States under the age of 6 currently have harmful levels of lead in their blood;

Whereas lead poisoning may cause serious, long-term harm to children, including reduced intelligence and attention span, behavior problems, learning disabilities, and impaired growth;

Whereas children from low-income families are significantly more likely to be poisoned by lead than are children from high-income families;

Whereas children may be poisoned by lead in water, soil, housing, or consumable products;

Whereas children most often are poisoned in their homes through exposure to lead particles when lead-based paint deteriorates or is disturbed during home renovation and repainting; and

Whereas lead poisoning crosses all barriers of race, income, and geography: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates the week of October 19 through October 25, 2008, as "National Childhood Lead Poisoning Prevention Week"; and

(2) calls upon the people of the United States to observe National Childhood Lead Poisoning Prevention Week with appropriate programs and activities.

#### STRATEGY TO ADDRESS CRISIS IN DARFUR, SUDAN

Mr. SALAZAR. Madam President, I ask unanimous consent that the Sen-

ate proceed to the immediate consideration of S. Res. 684, introduced earlier today by Senator DURBIN.

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

The legislative clerk read as follows:

A resolution (S. Res. 684) calling for a comprehensive strategy to address the crisis in Darfur, Sudan.

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

Mr. DURBIN. Madam President, as we wrap up the work of the 110th Congress and look ahead to a new administration, let us take a moment to consider a part of the world that desperately needs our continued attention. I am talking about the tragic situation in Darfur.

The United Nations estimates that more than 300,000 people have died in Darfur since 2003. In that time, another 2.5 million people have been displaced.

Just over 4 years ago the House unanimously passed a resolution calling the situation in Darfur genocide. The resolution urged the President to consider multilateral—even unilateral—intervention to address this crisis.

The legislation spoke of Congress's hope that the United States would not allow what happened in Rwanda to happen again.

Not on our watch.

Since then we have passed legislation increasing economic pressure on Sudan. The U.N. Security Council has passed resolutions and implemented arms embargos. Members of Congress have met with Ambassadors and U.N. Secretary General Ban Ki-moon.

And yet we have failed to bring an end to this nightmare—a nightmare that is now entering its sixth year.

In May, Senator SNOWE and 27 other Senators joined me in a letter to President Bush saying that it was time for definitive U.S. leadership to bring a long-term resolution to the crisis in Sudan. This bipartisan letter from almost a third of the Senate said:

Fourteen years ago the world watched as genocide unfolded in Rwanda. Despite dire warnings and pleas for help, 800,000 people were brutally killed in less than one hundred days. Today the world looks back in painful regret at its failure to take action. Yet, we are likely to face a similarly harsh historical judgment if we do not once and for all take action against the genocide in Darfur.

A rogue regime guilty of killing hundreds of thousands of its own people—guilty of rape, torture, and the creation of millions of refugees—must not be allowed to thumb its nose any further at the international community.

Yet the Sudanese regime continues to stall the deployment of a historic peacekeeping force—a force that is still only one-third deployed more than 1 year after it was approved by the U.N. Security Council.

I and others repeatedly have raised directly with President Bush and with Secretary Rice the need for decisive Presidential leadership.

Senator BIDEN has held hearings in the Senate Foreign Relations Committee to ask why the administration cannot do more to help with the desperately needed deployment of peacekeepers.

President Bush himself said during a visit this year to Kigali Memorial Center, where 250,000 Rwandans are buried in mass graves, that he hoped the world would "once and for all" work to halt the genocide in Darfur.

Today's tragedy in Darfur is of historic proportion. It is our duty to step in and show the world we really care. But it takes Presidential leadership—not in 6 months, not in a year, but now.

The United States is not the only country that needs to act. A recent BBC investigation showed that Chinese military equipment is still being used by the Government of Sudan in Darfur, despite a U.N. arms embargo.

The arms embargo—which my colleague, Senator BILL NELSON, has been arguing should be strengthened—requires foreign nations to ensure that they are not in any way providing military assistance for the conflict in Darfur. Yet, over the years, Amnesty International and now the BBC have documented Chinese and Russian military equipment in Darfur.

China and Russia are members of the U.N. Security Council and have a responsibility to ensure their equipment is not adding to the human suffering in Sudan.

If China wants the world to see it as a modern and responsible global leader, it is time to show real leadership on such issues as Darfur, Burma, and Zimbabwe. It should no longer use its Security Council veto to protect brutal dictatorships. It must be diligent in its weapons sales to conflict zones.

My friend and colleague, Senator CHUCK HAGEL, said it perfectly in a recent speech. He said:

Powerful nations must be the adults in world affairs. Anything less will result in disastrous, useless, preventable global conflict.

I couldn't agree more.

I call on China to stop propping up the Sudanese regime with oil purchases. Ensure that Chinese weapons are not fueling the conflict. Use your full diplomatic leverage to ensure full U.N. peacekeeper deployment, and work with the global community to help forge a long-term political settlement in Sudan.

This week Senators SNOWE, KERRY, FEINGOLD, LUGAR, BROWNBACK, SCHUMER, MENENDEZ, DODD, SPECTER, LEAHY, LEVIN, OBAMA, BIDEN and others have joined me in introducing a final resolution of this 110th Congress on Darfur.

It urges the President, the United Nations, the African Union, and other key members of the international community to pursue a comprehensive strategy to address the ongoing crisis in Darfur. It also condemns the Government of Sudan for its continued violence and obstruction of the inter-

national community. A similar resolution is being introduced in the House.

Quite simply, the situation in Darfur has reached a tragic juncture. This administration and Congress will either act soon or, sadly, this genocide will have occurred on our watch.

A few years ago, President Clinton faced the reality of the failure to halt the genocide in Rwanda. He called it "my great, great regret in international affairs."

That was a brave and honorable reflection.

We cannot allow ourselves to have to look back years from now to say the same thing happened in Darfur. The United States and the global community, particularly those on the U.N. Security Council and Sudan's neighbors, have a moral responsibility to speak out and act to save the people of Darfur.

Mr. SALAZAR. I ask unanimous consent that the resolution be agreed to; the preamble be agreed to; the motion to reconsider be laid upon the table, with no intervening action or debate; and any statements relating to this measure be printed in the RECORD.

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

The resolution (S. Res. 684) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

#### S. RES. 684

Whereas more than 300,000 people have died and approximately 2,500,000 have been displaced in Darfur since 2003, according to estimates by the United Nations;

Whereas Congress unanimously declared on July 22, 2004, that the atrocities in Darfur were genocide;

Whereas, on September 9, 2004, Secretary of State Colin Powell and on June 1, 2005, President George W. Bush described the crisis in Darfur as genocide;

Whereas the United States has led the world in financial contributions to humanitarian aid and peacekeeping operations in Darfur;

Whereas, on July 31, 2007, the United Nations Security Council voted to deploy an historic United Nations-African Union (UNAMID) peacekeeping force to stem the violence in Darfur and create conditions for peace talks;

Whereas only approximately 10,000 of the authorized force of 26,000 peacekeepers and police have deployed to Darfur, delayed by Sudanese obstruction as well as by a failure of the international community to commit sufficient resources and to overcome logistical obstacles; and

Whereas more than four years have passed since Congress declared the conflict in Darfur to be genocide and conditions on the ground in Darfur continue to worsen: Now, therefore, be it

*Resolved*, That the Senate—

(1) urges the President, the United Nations Secretary-General, the African Union, and other key members of the international community to pursue a comprehensive solution to the Darfur crisis by—

(A) supporting efforts to launch a just and inclusive peace process;

(B) ensuring the full and effective deployment of the UNAMID mission;

(C) ensuring the free and unfettered flow of humanitarian aid;

(D) promoting economic and political development programs;

(E) supporting full implementation of the Comprehensive Peace Agreement of 2005; and

(F) promoting justice and accountability;

(2) condemns the Government of Sudan for its continued obstruction of the deployment of United Nations-African Union peacekeepers and equipment;

(3) condemns the ongoing acts of violence in and obstruction of aid to Darfur committed by all parties; and

(4) calls upon the Government of Sudan and armed parties in the region to declare and respect an immediate cessation of hostilities, abide by the United Nations embargo on the importation of arms, cease predation and attacks upon humanitarian organizations, and participate in international efforts to negotiate a lasting political settlement for the region.

#### STATE-BASED ALCOHOL REGULATION

Mr. SALAZAR. Madam President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Res. 551 and the Senate proceed to its immediate 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. 551) celebrating 75 years of successful State-based alcohol regulation.

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

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

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

The resolution (S. Res. 551) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

#### S. RES. 551

Whereas, throughout the history of the United States, alcohol has been consumed by the people of the United States and has been regulated by government;

Whereas, before the passage of the 18th amendment to the Constitution of the United States (commonly known as "National Prohibition"), abuses and insufficient regulation resulted in irresponsible overconsumption of alcohol;

Whereas the passage of the 18th amendment, which prohibited "the manufacture, sale, or transportation of intoxicating liquors" in the United States, resulted in a dramatic increase in illegal activity, including unsafe black market alcohol production, a growth in organized crime, and increasing noncompliance with alcohol laws;

Whereas the platforms of the 2 major political parties in the 1932 presidential campaign advocated ending National Prohibition by repealing the 18th amendment;

Whereas, on February 20, 1933, the second session of the 72nd Congress submitted to conventions of the States the question of repealing the 18th amendment and adding new language to the Constitution requiring the

transportation or importation of alcoholic beverages for delivery or use in any State to be carried out in compliance with the laws of that State;

Whereas, on December 5, 1933, Utah became the 36th State to approve what became the 21st amendment to the Constitution of the United States, making the ratification of the 21st amendment the fastest ratification of a constitutional amendment in the history of the United States and the only ratification of a constitutional amendment ever decided by State conventions pursuant to Article V of the Constitution;

Whereas alcohol is the only product in commerce in the United States that has been the subject of 2 constitutional amendments;

Whereas Congress's reenactment in 1935 of the Act entitled "An Act divesting intoxicating liquors of their interstate character in certain cases", approved March 1, 1913 (commonly known as the Webb-Kenyon Act) (27 U.S.C. 122), and the enactment of the Federal Alcohol Administration Act (27 U.S.C. 201 et seq.), section 2004 of Aimee's Law (27 U.S.C. 122a) (relating to 21st amendment enforcement), the Sober Truth on Preventing Underage Drinking Act (Public Law 109-422; 120 Stat. 2890), and annual appropriations to support State enforcement of underage drinking laws demonstrate a longstanding and continuing intent on the part of Congress that States should exercise their primary authority to achieve temperance, the creation and maintenance of orderly and stable markets with respect to alcoholic beverages, and the facilitation of the efficient collection of taxes;

Whereas the legislatures and alcoholic beverage control agencies of the 50 States have worked diligently to implement the powers granted by the 21st amendment for 75 years and to ensure the creation and maintenance of State-based regulatory systems for alcohol distribution made up of producers, importers, wholesale distributors, and retailers;

Whereas the development of a transparent and accountable system for the distribution and sale of alcoholic beverages, an orderly market, temperance in consumption and sales practices, the efficient collection of taxes, and other essential policies have been successfully guided by the collective experience and cooperation of government agencies and licensed industry members throughout the geographically and culturally diverse Nation;

Whereas regulated commerce in alcoholic beverages annually contributes billions of dollars in Federal and State tax revenues and additional billions to the United States economy and supports the employment of millions of people in the United States in more than 2,500 breweries, distilleries, wineries, and import companies, more than 2,700 wholesale distributor facilities, more than 530,000 retail outlets, and numerous agricultural, packaging, and transportation businesses;

Whereas the United States system of State-based alcohol regulation has resulted in a marketplace with unprecedented choice, variety, and selection for consumers;

Whereas members of the licensed alcoholic beverage industry have been constant partners with Federal and State governments in balancing the conduct of competitive businesses with the need to control alcohol in order to provide consumers in the United States with a safe and regulated supply of alcoholic beverages; and

Whereas members of the licensed alcoholic beverage industry have created and supported a wide range of national, State, and community programs to address problems associated with alcohol abuse, including drunk driving and underage drinking: Now, therefore, be it

*Resolved*, That the Senate—

(1) celebrates 75 years of effective State-based alcohol regulation since the passage of the 21st amendment to the Constitution of the United States;

(2) commends State lawmakers, regulators, law enforcement officers, the public health community, and industry members for successful collaboration in achieving a workable, legal, and successful system for the distribution and sale of alcoholic beverages; and

(3) reaffirms the continued support of the Senate for policies that allow States to effectively regulate alcohol.

#### NATIONAL ALTERNATIVE FUEL VEHICLE DAY

Mr. SALAZAR. Madam President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Res. 665, and the Senate proceed to its immediate 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. 665) designating October 3, 2008, as "National Alternative Fuel Vehicle Day."

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

Mr. SALAZAR. Madam 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. 665) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

#### S. RES. 665

Whereas the United States should reduce the dependence of the Nation on foreign oil and enhance the energy security of the Nation by creating a transportation sector that is less dependent on oil;

Whereas the United States should improve the air quality of the Nation by reducing emissions from the millions of motor vehicles that operate in the United States;

Whereas the United States should foster national expertise and technological advancement in cleaner, more energy-efficient alternative fuel and advanced technology vehicles;

Whereas a robust domestic industry for alternative fuels and alternative fuel and advanced technology vehicles will create jobs and increase the competitiveness of the United States in the international community;

Whereas the people of the United States need more options for clean and energy-efficient transportation;

Whereas the mainstream adoption of alternative fuel and advanced technology vehicles will produce benefits at the local, national, and international levels;

Whereas consumers and businesses require a better understanding of the benefits of alternative fuel and advanced technology vehicles;

Whereas first responders require proper and comprehensive training to become fully

prepared for any precautionary measures that they may need to take during incidents and extractions that involve alternative fuel and advanced technology vehicles;

Whereas the Federal Government can lead the way toward a cleaner and more efficient transportation sector by choosing alternative fuel and advanced technology vehicles for the fleets of the Federal Government; and

Whereas Federal support for the adoption of alternative fuel and advanced technology vehicles can accelerate greater energy independence for the United States, improve the environmental security of the Nation, and address global climate change: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates October 3, 2008, as "National Alternative Fuel Vehicle Day";

(2) proclaims National Alternative Fuel Vehicle Day as a day to promote programs and activities that will lead to the greater use of cleaner, more efficient transportation that uses new sources of energy; and

(3) urges Americans—

(A) to increase the personal and commercial use of cleaner and energy-efficient alternative fuel and advanced technology vehicles;

(B) to promote public sector adoption of cleaner and energy-efficient alternative fuel and advanced technology vehicles; and

(C) to encourage the enactment of Federal policies to reduce the dependence of the United States on foreign oil through the advancement and adoption of alternative, advanced, and emerging vehicle and fuel technologies.

#### ORDERS FOR THURSDAY, SEPTEMBER 25, 2008

Mr. SALAZAR. Madam President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 9:30 a.m., tomorrow, Thursday, September 25; that following the prayer and pledge, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

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

#### PROGRAM

Mr. SALAZAR. Madam President, we expect to receive the consolidated appropriations bill from the House tomorrow morning. It is the majority leader's intention to turn to its consideration upon its arrival.

#### RECESS UNTIL 9:30 A.M. TOMORROW

Mr. SALAZAR. Madam President, if there is no further business to come before the Senate, I ask unanimous consent that it stand in recess under the previous order.

There being no objection, the Senate, at 8:56 p.m., recessed until Thursday, September 25, 2008, at 9:30 a.m.