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## Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable MARK L. PRYOR, a Senator from the State of Arkansas.

The PRESIDING OFFICER. Today's prayer will be offered by our guest Chaplain, Rev. J. Wayne Pratt from the Wooddale & Paradise Valley Charge, Scotrun, PA.

### PRAYER

The guest Chaplain offered the following prayer:

Let us pray:

God, by whatever name we choose to call You, we thank You for this day and all its welcome opportunities to serve You in the conduct of this great Nation. We thank You for this assembled body of dedicated men and women in their quest for peace, justice, equality, and freedom for all.

You rejoice delightedly in our good intentions and honest deliberations and forgive us freely when we fail to see the common good or lose focus in our labors. We pray that You will continue to guide and direct our work, that it may bring glory to You and perhaps be a model for others to follow.

Send Your gracious blessing upon these Senators and all our leaders at every level. Share with them and with us Your gifts of diligence, integrity, and concern for the welfare of others so that injustice, divisiveness, and thoughtless or selfish acts may be vanquished. Help us to create a sense of peace and harmony that will prevail throughout this Nation and beyond its borders.

In all things, O God, we give You thanks. Amen.

### PLEDGE OF ALLEGIANCE

The Honorable MARK L. PRYOR 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, February 28, 2008.

To the Senate:

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

ROBERT C. BYRD,  
*President pro tempore.*

Mr. PRYOR 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 my remarks and those of Senator MCCONNELL, there will be a period of morning business for up to 1 hour, with the majority controlling the first half and the Republicans controlling the final half.

Following morning business, the Senate will resume consideration of the motion to proceed to S. 2634, a bill to require a report setting forth the global strategy of the United States to combat and defeat al-Qaida and its affiliates.

Mr. President, procedurally, we are in a situation where we have asked to be able to legislate on a piece of legislation dealing with the President and those in his Cabinet sending to us reports on what is happening in the global war on terror. What has happened is

what has happened now for more than a year, where the minority is not allowing us to go to that legislation.

We have a situation where we want to move to a piece of legislation. Procedurally, there has been in the Senate for many decades a provision that if we want to move to a piece of legislation and someone objects, the only thing we can do is file cloture on it. We did that. Cloture has been invoked. But now we are leading up to 30 hours. We had 30 hours on the original matter calling for a timeline for changing the course of the war in Iraq, and that was 30 hours we used. Now we are going to do it on this legislation.

It is really too bad we are wasting time rather than getting to the legislation, but that is the way it is. And we, as a very slim majority, have come to accept that.

### IRAQ

Mr. REID. Mr. President, it is another day in Iraq and another \$400 million. One only need look at the Washington Post, as I did yesterday, to see what is happening in Iraq. Front page: "Sunni Forces Losing Patience With U.S." And it goes on to say how hundreds and hundreds of these Sunnis, who were helping us, have gone home.

Now, Mr. President, the Sunnis, even before Saddam Hussein, controlled Iraq. They are a minority, but they have controlled Iraq for generations. Now the Shias control Iraq, and the Sunnis, as we all know, are trying to make a comeback. This should cause everyone some concern.

Also, if you look a little bit further in the newspaper, go over to page 12, you will see another story dealing with Iraq. "Iraq Leaders Veto Law on Elections." We have been trying, and in fact it was the purpose of the surge, to bring about some ability in the Iraqis to take over the Government themselves, and they passed 4 pieces of legislation of the 18 that they were supposed to pass. Everyone said at the

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



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time they passed they thought basically they were for show. And, obviously, the one calling for elections, which was one of the four, in fact, that has taken place; the Iraqi leaders vetoed the bill on elections. There still could be elections in the fall, but right now they are going to have to do new legislation. So now we are down to 3 out of the 18.

During the month of July, more than one American was being killed per day. We are now at 30 on the 28th day of February. Yesterday, one of my Republican friends, one of the leaders, said the Democrats are in denial. "It's almost as if they are sorry things have gotten better."

Mr. President, all Americans are glad for any American or Iraqi life saved. But unlike the minority, which spent 6 years ignoring the warning signs and following the President's policies in lockstep, Democrats are clear-headed about where this war has been, where it stands today, and what we must do to change course and make our country safer.

Mr. President, last night, I think it was about 7:30 or 8 o'clock, I went back to my office, and there was a man waiting there, one of the Capitol guides. As disabled and wounded Iraqi veterans come through, he brings them by, and if I am in my office, I am always happy to say hello to these wounded veterans. Burt is the tour guide, and my office is just off the Senate floor, so it is fairly easy for them to bring them by.

Last night was a remarkable night. I have met probably 50 of these veterans whom Burt brings around. Last night, a 22-year-old man from Missouri by the name of Matthew McGuire came by. He was there with his girlfriend, his wife to be.

I said: How are you doing?

He said: I'm OK.

He was standing. He was unstable. He had a cane that held him up.

I said: Why don't you sit down, and we will talk a bit.

I said: How long were you in Iraq before you got hurt?

He said: Well, I was there for 6 months.

Five times in that 6-month period, Mr. President, he suffered attacks. Once he was on foot patrol, and he was knocked down by a bomb. One time he was a gunner on a vehicle and was knocked off that. He has all of his limbs. But last month, in January, in one 24-hour period, he had 37 seizures. And I told him about Senator JOHNSON and said: I wish Senator JOHNSON were here.

I talked about Senator JOHNSON being in a coma for the period he was and how much he had improved and that he can now walk on his own and speak 95 percent of how he was able to. I had a picture taken with him; sat and gave them both a hug and kissed her on the cheek. It was really a dramatic night when this young man was telling me that in one 24-hour period he had 37 seizures.

It is one thing to talk about almost 4,000 Americans being killed and 30,000 being wounded, and another when you talk to one of these heroic young men and women. I told him I so appreciated his service to our country and that we are going to do everything we can to make sure the sacrifice he made is not in vain. But these are more than just statistics. These are people. And Matthew McGuire is a person who has been hurt extremely bad. His life will never be the same.

I said: Have you been diagnosed with post-traumatic stress disorder? And he said, yes. But in addition to that, he has brain damage, as indicated by the 37 seizures he had in one 24-hour period. He is only 1 of the 30,000 who have been wounded in a war that is stretching our military to a breaking point.

There is going to be testimony in the Joint Economic Committee today by Nobel Prize winning economist Stiglitz. Mr. Stiglitz has written a book that will come out in about 10 days called "The \$3 Trillion War." This is a Nobel Prize winning economist who has had access to Pentagon records, and he has written how this war has cost and will cost at least \$3 trillion.

General Powell said last year that the Army is about broken, and that is a quote. The day before yesterday, General Casey, Chief of Staff of the Army, confirmed what Powell said a year ago, when Casey said:

The demand for our forces exceeds sustainable supply.

Admiral Fallen and Admiral Mullin agree that concerns about our troop commitment to Iraq may limit our ability to address other global challenges. So we have to take seriously the concerns of General Casey, General Powell, Admiral Fallen, Admiral Mullin, and countless other military leaders and foreign policy experts.

It is time that we understand the sacrifices made by our valiant, heroic military have come at a time when they have done what they needed to do, and we have to get them home. Four hundred million dollars a day. I repeat what I have said a couple times in the last 2 days, Mr. President. The Iraqis believe they have the most significant oil reserves in the world. Everybody recognizes they have the second largest oil reserves in the world. They think they have the largest oil reserves in the world. It is a wealthy nation, and they should take care of their own.

I think what we have talked about is that there should be a force left there of American troops to take care of any counterterrorism activities that need to go forth, and we should have limited training of Iraqis. We have trained almost a half million now, 430,000. And, of course, we have to protect whatever assets we have there. It is a situation that calls for a conclusion.

As I said yesterday, when is enough enough? I think this debate has been good. I think we need to have more in-depth discussions on a Federal program

that is costing us more than \$400 million a day. I think we have spent 2 days on this, and I believe that is not adequate, but we will be back. The President has asked for another, I think, about \$120 billion more to the end of this fiscal year for the war in Iraq, and there will be more discussion at that time. I think we will wait until somewhere late in April to take that up. But the time is coming when we will discuss this in more detail.

I appreciate the good nature of the debate. We just disagree. The Republicans think everything is fine; we don't.

It has been a very positive, in my mind, debate. It has been a civilized debate. I think the American people have been served well by this debate we have had the last couple days.

I would say on the schedule, I am working with the Republican leader to find out when he feels it would be appropriate to have a vote. We are waiting for him. I will visit with him later today.

The ACTING PRESIDENT pro tempore. The Republican whip.

#### IRAQ AND FISA

Mr. KYL. Mr. President, for the benefit of our colleagues, I will summarize where we are this morning as well. The majority leader and the Senator from Wisconsin offered a resolution, a piece of legislation, and sought to proceed to consider it. Republicans agreed to that. We voted last night to invoke cloture, which means we agreed to proceed to the consideration of that resolution.

It has to do with developing a strategy to deal with al-Qaida. It is, as the majority leader said, a debate worth having. As a result, Republicans were happy to engage in that debate and we will throughout the day.

After the period of morning business, we are back on the resolution. I would urge my Republican colleagues to let us know, let the leadership staff know, when they wish to be here to speak on the matter so the schedules can be coordinated, that everyone can debate the issue as they see fit, and that the minority and majority leader a little later in the day can get together and decide when we might be able to schedule the next vote based upon everyone's desire to speak. So if our colleagues would let us know when they desire to come and make their presentations, that would be very helpful.

I would like to correct one thing the majority leader said, in saying Republicans think everything in Iraq is "just fine." I know he did not mean to suggest Republicans believe the situation in Iraq is "just fine." Because clearly it is not. If it were, we could bring our troops home today.

Unfortunately, it is not "just fine," although it is steadily improving. And when it gets to the point when it is "just fine," we will be able then to bring the remainder of our troops home. The primary difference between

the majority and minority is the majority would like to bring the troops home right now. "Enough is enough," says the majority leader.

The Republicans, on the other hand, believe we have to finish the job. And while great progress has been made as a result of the surge implemented by General Petraeus several months ago, the job is not finished. And until the job is finished, there is a great danger that were we to pull out prematurely, al-Qaida, not totally defeated, would infiltrate right back in, reestablish its presence, begin the terrorism which has taken us so many months now to repress, and that we would have to then come right back in again, all at a greater cost than if we simply see the job through right now.

It is possible every day to have a headline from a newspaper revealing a suicide bomber attack or some other incident similar to that in Iraq. That is the unfortunate reality. Everything is not yet "just fine" in Iraq. But it is also true that because the surge has worked to essentially defeat al-Qaida, it has now resorted to the most reprehensible tactics of all: using women, children, the disabled as suicide bombers to go into places where those people are not suspects and they can blow up innocent people in Iraq.

That is the situation we need to help stop, not turn our back and walk away from. It is also true many Iraqis have now been trained by our forces. That is the good news that will enable us eventually, hopefully sooner rather than later, to withdraw our troops from Iraq. We are withdrawing them now.

We will, by June as I recall, be down to a level that is very close to the level that existed prior to the surge. We will be able to do that because the surge has worked. What happens after that, we will await a report from General Petraeus when he comes back to the Capitol and briefs us on the situation in Iraq.

In the meantime, Ambassador Crocker and others have noted significant progress on the political and diplomatic front as well as the economic front in Iraq. The Parliament there is now engaging in vigorous debate, passing resolutions. I note that one was vetoed yesterday. It kind of reminds me of the process in Washington, where we do not always agree on everything and we have a robust debate about it.

We should not be critical of the Iraqis because they cannot agree always on everything, but we should continue to push them to move forward with alacrity, so the things that need to be done politically to enable us to eventually remove our troops can be done. I know we all, Republicans and Democrats, share that goal.

So the bottom line is, we will continue this debate today. I would conclude with this point: One of the important reasons for having this debate today about a strategy for dealing with al-Qaida is because there is a difference of opinion between the House of Rep-

resentatives' leadership and the Senate on this issue.

The Senate voted with 68 Senators, Democrats and Republicans, to reinstitute FISA, the law that enables us to gather intelligence on these terrorists abroad. That law had to be reauthorized because it expired 6 months after we first passed it.

So we had to reauthorize it and make one additional change; that is, to make sure the telecommunications companies that are cooperating with us are protected from lawsuits that have been filed against them simply for their participation with the U.S. Government in collecting this foreign intelligence.

Without that liability protection, they are not likely to continue to help us. So we made that change. It was recommended by the Intelligence Committee on a vote of 13 to 2, a very bipartisan recommendation. The Senate then passed it with 68 affirmative votes. It went to the House of Representatives and there it sits. It sits without a law in force today that enables us to begin new intelligence surveillance activities against terrorists abroad.

This represents a deficiency in our intelligence gathering at a time when as both Admiral McConnell, the Director of National Intelligence, and Attorney General Mukasey have noted that we are losing intelligence every day that would help us in the war against these terrorists.

Every day that goes past that we cannot intercept a communication because the law has not been reauthorized is a day of lost intelligence, intelligence we will never get back. The terrorists are not going to make the phone call a second or third time to accommodate us so we can finally collect the intelligence we need, so we can find out who he is calling and what they are planning. We cannot do that.

So phone calls that occurred yesterday or the day before or the day before that, they are gone, they are lost forever. It is critical we reestablish this capability for collecting foreign intelligence on terrorists.

The legislation passed by the Senate will do that. The President says he will sign it into law, and it is critical that the House of Representatives' leadership allow the House of Representatives to vote on it. If they do, it will pass and it can be sent to the President and it will be signed.

The reason, I gather, it has not been brought forth is because the leadership of the House knows it will pass and, for whatever reason, they do not want this Senate-passed bill to become law.

It is critical the Congress fulfill its responsibility to ensure that our intelligence-gathering capabilities continue on. I would urge again that the best strategy for dealing with al-Qaida starts with authorizing the kind of intelligence collection that we understand is critical to understanding al-Qaida's intentions and thus being able to defeat them.

So in developing a strategy for al-Qaida, No. 1, the House of Representatives' leadership should bring this legislation up for a vote, allow those who support it to send it to the President for his signature, and we can get on with this important collection.

I urge my colleagues to come to the floor and let us know when they wish to speak so we can organize the debate today with an eye toward the minority and majority leader being able to get together and work out a time schedule that would be acceptable to all of us.

#### 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 of morning business for up to 1 hour, with the time equally divided and controlled between the two leaders or their designees, with the majority controlling the first half and the Republicans controlling the final half.

The ACTING PRESIDENT pro tempore. The Senator from Washington.

#### VETERANS CARE

Mrs. MURRAY. Mr. President, our servicemembers in Iraq are fighting under incredibly stressful conditions each and every day. We are on the floor today talking about an Iraq resolution. We are focused on the war or the surge. I wish to talk today about the soldiers themselves who are called on. Many of them, as we know, have come home with terrible injuries that need specialized care. Yet there are too many examples that show today the Bush administration was caught unprepared to take care of these men and women when they have come home.

So as we continue to talk about Iraq, I think it is important we also talk about the toll that this war is taking on our troops and our veterans. I wish to focus today on the need to ensure that our injured servicemembers and veterans can get the care they need and deserve by reminding all of us what happened in the last year and how much we still have to do.

A year ago this month, the Washington Post published a story that uncovered the depth of the problems facing our servicemembers who were being treated at Walter Reed Army Medical Center. The Post reported then that servicemembers were living in rooms with moldy walls and broken ceilings while they waited, waited to get care. The Post found that many of our servicemembers and their families felt trapped at the time in a bureaucratic catch-22 as they fought to get the disability benefits they had earned.

The news of the extent of the squalid conditions was a watershed moment in

the care of our military men and women. It focused the attention of the American people on the needs and treatment of our injured servicemembers and veterans. It put a spotlight on the frustrating redtape that was facing servicemembers as they transitioned out of the military and into the VA.

I am very proud that Congress, led by the Democratic majority, moved quickly to investigate the problems, not just at Walter Reed but throughout the military and VA systems to take that action.

Shortly after the Washington Post story ran, the Democratic leaders went to Walter Reed and met with our injured servicemembers. The Veterans' Affairs Committee and the Armed Services Committee joined in a historic partnership to address the problems we saw there and at military and VA facilities across the entire country.

Many of us have continued to go to Walter Reed and other facilities on a regular basis, as we had even before those stories ran. In fact, I was up at Walter Reed a short time ago to tour the mental health ward and learn about what efforts are being made to decrease the stigma attached to mental health care and to help improve care.

As a result of the action we took, our country has made a lot of changes in its care for our servicemembers and our veterans. One of the most significant was the Wounded Warriors Act, which was included in last year's Defense authorization bill.

With the Wounded Warriors Act, we laid out a clear path, directing the Defense Department and the VA to address the shortfalls in the care of our injured servicemembers. So a year after the Walter Reed report, we required the Defense Department and the VA to work together to develop a comprehensive plan to prevent, treat, and diagnose traumatic brain injury and post-traumatic stress syndrome, and we directed the Defense Department to create Centers of Excellence for TBI and PTSD to improve our understanding of these devastating injuries that were impacting our soldiers.

We are addressing the frustrating bureaucracy with which our troops have struggled. We have now directed the VA and the Defense Department to develop a joint electronic health care record. And we are requiring the military and the VA to work together, finally, on disability ratings.

The Defense Department is investing in new technology, more equipment, and state-of-the-art treatment to better care for injured soldiers. Walter Reed and facilities across the entire country are making similar improvements. In fact, in my home State of Washington, Fort Lewis has taken great strides in its treatment of wounded servicemembers who are recovering there. In one example, leaders there are working very hard now to help our servicemembers and, critically, their families understand the benefits available to them.

I am optimistic the action we took is changing the way our military and the VA operates. But as I stand on the floor today, I must tell you we have a lot of work left to be done. Yesterday, the GAO reported to Congress the Army has significantly improved its support for servicemembers at Walter Reed and our military hospitals.

According to the Washington Post this morning, there is an article today: Army officials say they have transformed the way they care for soldiers and their families.

But the GAO also said, as has been reported this morning, there are still shortages of staff and other gaps we have to address. In fact, one-third of warrior transition units are still understaffed. And that, to me, raises concerns about the progress of a streamlined disability ranking system.

We still have a long way to go to provide our servicemembers with the care they deserve. And some of these changes are actually going to require a cultural transformation within the military. We have to keep our eye on the ball.

I got a personal reminder of this when I reconnected recently with Army retired SPC Rory Dunn. He is an amazing young man who comes from my home State and lives in Renton, WA. Rory was horribly injured when his humvee was hit by a roadside bomb outside Fallujah in 2004. When I first saw Rory, he was in front of me with his entire skull crushed in, his head crushed from ear to ear. He lost an eye. He lost his sense of smell. He lost much of his hearing. He still today, in fact, has shrapnel in his brain. Rory, sitting in front of me, had visibly sacrificed for our country, nearly losing his life several times as he was moved from Fallujah to Germany and finally to Walter Reed. When he got to the United States, he was sent to Walter Reed, and there the Army tried to discharge him before he completely had recovered.

He and his mother have struggled to help make sure he gets the benefits he needs, not just that, the lack of medical care as he progressed. When I saw Rory at one time he was excited. He was being sent to Richmond, VA polytrauma center for treatment. Recently he told me about the horrific experience he had there. I hope much has improved since then, but he told me at the time, even though he could not get out of bed because of the tremendous extent of his injuries, he would wake up in the morning, ring his call bell, which apparently was not plugged in, and wait for a nurse to come and help him with basic restroom needs. No one came for hours. Rory was left there. A soldier who fought for his country in the Iraq war, had done everything his country asked of him, injured horribly, was left to sit in his own waste in a polytrauma center in Virginia.

Thankfully we have come a long way from there. Rory should never have had to go through that.

He was then sent on to Palo Alto for reconstructive surgery. They did an amazing job. In fact, when I first talked to Rory after his injuries, he asked me to pin his Purple Heart on him when he was awarded that. But he wanted to wait until he had his face reconstructed because he wanted the picture to look good. So he had to wait many months before I finally met him in Seattle and was so proud to pin that on his chest as his mother sat and watched with tears running down her face.

That was several years ago. Rory has continued to struggle every single day, a young man, barely out of his teenage years, injured dramatically in the war in Iraq, 4 years later, still struggling to do everything he can to be an American. What is Rory doing with his time? He and his mother, who has now spent 4 years helping Rory recover, are back at Walter Reed and other VA facilities to make sure no soldier goes through what Rory did, advocating for them, making sure they understand what they need, making sure they get the help and support and, importantly, making sure I continue to understand what is happening in the military in our VA system and making sure that no soldier goes through what he did when he came home. Rory told me a few weeks ago: There is much work left to be done. He still talks to soldiers who have been left behind, who are not getting the help they need, who feel like second-class citizens, who feel they are still fighting their Government when they come home.

For me, Rory is the face of this war. I think we have to ensure that the changes we are making to improve the conditions for all of our servicemembers and veterans such as Rory are not a flurry of action while the cameras are rolling. We have to work to ensure that action doesn't drop off once the media has moved on to the next story. I remain firmly convinced that we have to remain vigilant on three specific fronts if we are going to talk about real change for our troops and our veterans. I believe, first, we have to ensure that we cut through the bureaucracy between the military and the VA. It is simply unacceptable that after fighting for our country, our servicemembers have had to return and fight against the Government for the care they deserve. It isn't only from this war. Go back and talk to Vietnam-era, Korean-era veterans who have been fighting for years to get the disability benefits they deserve.

Thanks to the Wounded Warrior Act, we have now started a pilot project to work out ways to make the Defense Department and the VA disability rating systems compatible so our soldiers do not face this, but we do have to remember, this is the first step between bridging the gap between the VA and the Defense Department. It is only a pilot. We have a lot more work we need to do to ensure that those agencies don't do a pilot project and put it on

the shelf; that they look at how it is working, what is working, what is not, what are the challenges in front of us, are we making sure that we stay on them every day. Congress has to keep a close watch to make sure this isn't because the cameras were rolling a year ago or today but something that is effective far into the future. We have to work to make sure they meet those goals.

Secondly, we have to focus our attention on treating the new injuries to our servicemembers who are suffering in Iraq and Afghanistan, particularly traumatic brain injury. TBI is a significant wound of this war, but we have only just begun to understand how we treat it. We have to recognize that whenever there is an explosion in Iraq or Afghanistan or wherever we have soldiers on the ground, the effects of that, not just on the soldiers in the vehicle but even those close by and sometimes hundreds of yards away, can have a damaging impact on the brain, called traumatic brain injury. We still don't know all we need to about how to treat TBI, and we still have soldiers coming home every day, every month who have just been diagnosed with TBI or perhaps not diagnosed, and we need to make sure they get the correct diagnosis and treatment.

Congress has authorized millions of new dollars for research, but we have to ensure that we get the results from that research. Then we have to make sure we take action based on what we have learned.

I am extremely disappointed that the President seems to have lost sight of that already. He has proposed to this Congress an 8-percent cut for VA medical and prosthetic research in his fiscal year 2009 budget. That is incredibly shortsighted, and he can be sure—and every Member of this body can be sure—I am going to fight that every step of the way. We need to find out how to better treat TBI, how to diagnose it, how to deal with PTSD and how to diagnose and treat it effectively. That takes research, and we have to stay on top of it.

Finally, and most difficult, we have to change a military culture in which servicemembers are told that mental illness is an excuse for their pain and which fails to recognize that psychological wounds can be more serious than some of their physical injuries. Congress again has given the military hundreds of millions of dollars to improve its mental health care system. We have pushed through legislation this past year requiring the military and the VA to destigmatize mental health treatment, to increase awareness of the symptoms of post-traumatic stress syndrome, and to do further research on traumatic brain injury. But recent reports show that the Army's suicide prevention efforts need a lot more work. The numbers of suicides have risen since the wars in Iraq and Afghanistan began, and last year as many as 121 soldiers committed sui-

cide. That is a 20-percent increase over the year before.

I was struck by a recent report by the Associated Press which was a stark reminder of how serious this issue is. That article reported on a VA study which found that more than half of the veterans who took their own lives from 2001 to 2005 were members of the National Guard or Reserve, even though the Guard and Reserve have made up less than a third of U.S. forces in Iraq and Afghanistan.

Prolonged deployments are stretching our troops to the breaking point. Earlier this week General Casey acknowledged his concern about the strain on the military. He told the Senate Armed Services Committee that the Army is under so much stress from extended deployments that we must reduce the length of combat tours as soon as possible. Many of our servicemembers have seen their best friends killed. They have seen other untold horrors. Yet somehow we expect them to come back from the battlefield, come back home unaffected by what they have seen, or their experience. We have to ensure that the military takes action to ensure that our troops are getting the psychological care they need. We need to see a change in the culture. That change has to be more than a talking point. Senior military leaders have pledged to do more, but they have to ensure that their words and their programs are being executed in the field. They have to work to break down the stigma that is, unfortunately, associated with seeking mental health treatment. They have to ensure that troops have psychiatrists and psychologists to talk to, and they have to ensure that those who seek help aren't then penalized. We have to find ways to reach out to servicemembers who are discharged and are not seeking care from the VA. This is especially important for our Guard and Reserves who oftentimes, when they come home, don't think of themselves as veterans. They return from the war and go back to their civilian jobs without ever getting help.

In my State of Washington, over 10,200 Guard and Reserve members have now served in Iraq and Afghanistan. Our troops and veterans are heroes who are sacrificing for our Nation. It is time for our Government to wake up and provide them with the care they need.

I voted against going to war in Iraq. But I have said consistently that no matter how anyone feels about the war, we have an obligation as leaders to make sure our men and women who fight for us get the care they deserve. I am proud of the way this Congress, led by the Democratic majority, moved to address the problems facing our returning servicemembers, which clearly wasn't a priority for the Bush administration. Here in Congress, we said: Not on our watch, not anymore.

A year after the Walter Reed story drew attention to the treatment of

servicemembers, we have made progress. But we cannot let this issue fade away. After examining the President's VA budget proposal, I have to tell my colleagues, I am disappointed that the administration still doesn't seem to get it. In his State of the Union Address this year, President Bush said he was dedicated to providing for our Nation's veterans. But at a time when thousands of new veterans are entering the VA system with serious medical needs as a result of the wars in Iraq and Afghanistan, the administration is underestimating the cost of medical care and is cutting funding for construction and medical and prosthetic research. At a time when our older veterans are seeking care in record numbers, the President is proposing fees for them and copays that are essentially going to shut the door of the VA to thousands of people who served our country. That is wrong. I am going to be working very hard this year to ensure that those misguided proposals do not become reality.

The same is true as we address the budget for caring for our troops. Our servicemembers risk their lives for our security every single day. They have done everything we have asked. We have to live up to our commitment to them.

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

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

The assistant legislative clerk proceeded to call the roll.

Mr. CORNYN. 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.

#### ORDER OF PROCEDURE

Mr. CORNYN. Mr. President, we are advised by the Democratic cloakroom there will not be a member of the majority who will come in to use the remainder of their morning business time, so I ask unanimous consent that I be allowed to speak during the remainder of that time as well as the 30 minutes allotted to the minority.

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

Mr. CORNYN. I thank the Chair.

#### IRAQ

Mr. CORNYN. Mr. President, we are confronted with a piece of legislation introduced by the distinguished Senator from Wisconsin, Mr. FEINGOLD, which calls for setting forth the global strategy of the United States to combat and defeat al-Qaida and its affiliates. The question I guess I would ask is: Where have those who propose a new strategy been? Have they been paying attention to the good news that has been coming out of Iraq and Afghanistan when it comes to our ability and

our successes to combat global terrorism and particularly the threat of al-Qaida?

I think the legislation that has been proposed is both misguided and unnecessarily duplicative of the efforts which I will describe here, which are ongoing, and would literally cause us to snatch defeat from the jaws of victory.

On a more basic level, I think this legislation misses the point. Every time I come back to work here in Washington, DC, I almost feel there is a parallel universe operating here in Washington where some have voluntarily suspended their powers of disbelief and ignored the facts that seem to me to be as plain as the nose on your face. But I think in light of the fact that this legislation has been introduced, we need to talk about it and provide the American people with the evidence with which they can make their own decisions about what is happening with regard to the fight against al-Qaida.

This bill would require the administration to set forth a strategy for fighting al-Qaida. I do not know what the proponents think we have been doing since 9/11 but fighting al-Qaida wherever we may find them, but that is what the bill calls for. Of course, the bill also conveniently neglects the various strategies we have in place, including some that are classified which we cannot talk about here on the floor of the Senate, but which the distinguished Senator from Wisconsin as a member of the Intelligence Committee knows—because he is on the Intelligence Committee; he has been briefed in a classified setting about these strategies—he knows we have a number of strategies in place, and this proposal seems to act as if nothing has happened, when that is not the case at all.

I would interject that overall in the operations against al-Qaida, in Iraq in 2007, we have seen the capture of 8,800 terrorists, while an additional 2,400 have been killed. Of those we captured or killed, 52 were senior emirs or commanders, 32 were leaders of improvised explosive device teams, 24 were cell leaders, and 92 were other facilitators. In other words, we have been effective in going after high-value targets in Iraq and literally decapitating the leadership of al-Qaida. That is the reason why al-Qaida is on the run in Iraq and, yes, even in Afghanistan.

But to recapitulate, the various strategies that are already in place would seem to be ignored by this legislation. These include the President's National Strategy for Combating Terrorism, which was revised by the administration in September of 2006, and which outlines in a clear and straightforward fashion the strategic vision for the global war on terror.

Also, there is the President's National Implementation Plan, which was completed in June of 2006. This document is a classified, comprehensive plan, so we are not going to talk about

it on the floor in detail. But it provides for the execution of our national counterterrorism strategy, and it provides a detailed breakdown of which executive branch agencies are charged with carrying out the specific tasks and activities as part of that overall strategy.

Now, Congress, as I said, is aware of all these documents. We get classified briefings. Any Member of Congress who cares enough about it can go to room 407 here in the Capitol and gain access to them. Additionally, the Chairman of the Joint Chiefs of Staff is conducting his own review of the al-Qaida strategy, which will be finished later this year. So it is a disingenuous and hollow argument, indeed, to say the administration or this country, the U.S. Government, lacks a coherent plan to neutralize al-Qaida or that the current strategy for combating al-Qaida is not working and it needs to be replaced.

The numbers speak for themselves. I am going to go through these in rather quick order, but I think the numbers speak louder than words.

During the period of May to June 2007, as this chart demonstrates, we have seen 26 al-Qaida in Iraq leaders captured or killed. They include some pretty evil characters, people such as Khalil al-Mashhadani, a senior Iraqi in the al-Qaida-Iraq network. He was a principal intermediary between al-Qaida senior leadership and Abu Ayyub al-Masri. He ordered all Iraqi emirs to wear suicide vests—a trend we are still seeing today—and confirmed in interrogation that al-Qaida lost the al-Anbar safe havens due to coalition operations and tribal engagements by the Awakening Groups, which I will talk about in a minute. He was captured in July and sentenced to death by an Iraqi court this past September.

We have seen since that time, in July and August, senior terrorists captured or killed. It simply is not true to suggest that we are ineffective or not focused on capturing or killing al-Qaida's senior leadership in Iraq or wherever we may find them in Afghanistan or elsewhere.

For example, in August, we were successful in capturing the emir of greater Samarra, the mastermind behind the destruction of the Samarra mosque in February of 2006, generally credited with unleashing the ethnic conflict which nearly led to a civil war in Iraq. He operated the Samarra terrorist network responsible for improvised explosive devices and vehicle bomb attacks. He orchestrated the Kirkuk courthouse bombing in June of 2006 that killed 20 and injured more than 100. This emir of greater Samarra was killed in a targeted raid this past August.

But to remind my colleagues of the kinds of barbaric and evil attacks these al-Qaida leaders have perpetrated on their own people, by and large in Iraq, this individual orchestrated the Kirkuk courthouse bombing in June of 2006. He masterminded a vehicle bomb attack against the Iraqi Army checkpoint in Samarra in 2006, in which 29

Iraqi security forces were killed and another 66 injured.

So that is August of 2007. As you can see, the numbers even go up in September of 2007, with senior terrorists captured or killed. Each one of these pictures on this chart is a different story: the brown squares depicting those who have been captured; the red squares indicate those who have been killed.

Clearly, Iraqi, American, and coalition forces, along with our allies—the Iraqis who have basically turned state's evidence on al-Qaida in Iraq have allowed us the intelligence necessary to capture or kill some of the worst of the worst among al-Qaida in Iraq.

In October of 2007, as you can see, the pace remains a steady one and a strong one in terms of capturing or killing al-Qaida's leadership.

The fact of the matter is, we could put up a new chart for each month until this month and last month. The fact is, we are making enormous progress. So why in the world would this Senate want to change course and grab defeat from the jaws of victory, when it comes to putting al-Qaida on the run?

I have to say on a contentious subject such as this, where it seems as though people have their own version of reality, the best evidence—and one that is undeniable—is the fact we have not had another terrorist attack in the United States since September 11, 2001.

While al-Qaida is on the minds of my colleagues, though, this is a valuable opportunity for us to talk about the fight against al-Qaida as part of the overall global war on terror. Today, al-Qaida and other like-minded radical jihadist groups still pose a very real threat to the safety of America's vital national security interests, both here and abroad.

These Islamic extremists go under a lot of different names: Hezbollah, operating in Lebanon and in parts of Iran and Syria; Hamas; al-Qaida in Iraq; the Taliban—all of which have the common ideology which allows them somehow to celebrate the murder of innocent civilians as part of their twisted goals.

Al-Qaida remains active not only in Iraq but worldwide. This is literally a franchise operation which in an Internet age allows like-minded radicals to communicate with one another, and through the use of relatively cheap explosives and human bombs to basically commit terror all around the world.

It is the existence of this threat that warrants our continued vigilance and sustained efforts to neutralize them, and Congress must continue to support our military in defeating al-Qaida on every front. We have been successful. But it is important to recognize this threat is not only located in Iraq and Afghanistan, but it is a global threat.

Recently, ADM Mike McConnell, the Director of National Intelligence, outlined terror attacks prevented in New Jersey and Illinois—that is right, right

here in the United States of America. He also outlined attacks that have been prevented abroad in Denmark, Spain, France, Germany, and the United Kingdom. In the opinion of those who know best—our intelligence professionals—this enemy and this threat is real. This enemy plans to attack us, and it is smart, adaptable, and ruthless.

Somehow, some Members of the Senate have been able to convince themselves against all the evidence that al-Qaida is not present in Iraq and that if we fought al-Qaida in Afghanistan we would be safe here at home. The fact is, it is true the Taliban provided safe havens for al-Qaida in Afghanistan. Al-Qaida has also found a safe haven in Iraq. But due to the great work of our young men and women in the military, due to our intelligence professionals, due to the intelligence we are able to gain from the cooperation of Iraqi citizens through the Awakening Councils, who have simply gotten fed up with the barbaric tactics of al-Qaida—the murder, the rape, the torture of their own people and thus have cooperated now with coalition forces to root out al-Qaida—we do have al-Qaida on the run in Iraq.

But that is a fragile condition, and a trend we must continue, not only through the use of allied and coalition forces but through the rebuilding of the Iraqi police force and military, and encouraging citizens, such as the Awakening Councils, to come forward and provide intelligence.

But the fact of the matter is, if the United States of America does not lead the fight in this global war on terror, more innocent people will die. There is no other country in the world that is capable as we are, that has the vital national security interests that we do, to fight this war.

Again, this parallel universe that some occupy here in Washington, DC, that allowed them somehow to convince themselves that this threat is not real, defies the facts. There are those who propose countless resolutions in the Senate and the Congress to withdraw from Iraq based on a political or arbitrary timetable, which makes no sense. As the Iraq Study Group said, we should leave Iraq as soon as possible and define it not in political terms but in terms of conditions on the ground, and that is once the Iraqis are able to govern and defend themselves.

We know that politicians here in Washington have declared the surge a failure before it even started, but they have had to come to grips with the fact that you are always in jeopardy when you bet against the men and women of the U.S. military and our leadership and under the leadership of people such as GEN David Petraeus and GEN Raymond Odierno.

We have seen the surge of American troops, along with the increased capacity of the Iraqis to defend themselves, meet with enormous success and reverse a trend that was dangerously cas-

cading toward a civil war and ethnic cleansing. But the fact is that despite the repeated efforts by some here in Congress who have declared defeat before this new strategy was even allowed to take hold have now had to deal with the fact that almost without exception, everyone who goes to Iraq comes back with the report that our men and women in uniform are being successful and that the surge is working.

I went with a couple of my colleagues, Senator ISAKSON and Senator COLEMAN, to Iraq in January where we were able to ride, in armored vehicles, admittedly, to forward operating bases that previously had been lost to al-Qaida, where refugees had simply abandoned their shops and their homes given the threat posed to the Iraqi people themselves from this ruthless enemy. The fact is, people are moving back home. Shop owners are opening their shops. We were able to taste some of the bread cooked in a bakery in an area called Ghazaliya outside of Baghdad that previously could not operate. We went to a local department store that previously had to be closed and abandoned literally because of the threat of al-Qaida and looked at some of the wares for sale.

So this debate that continues here in Washington seems to me to be increasingly out of touch with the reality in Iraq and the clear evidence that this new tactic, this counterinsurgency tactic being deployed by General Odierno, General Petraeus, and our men and women in uniform in Iraq is succeeding. It is because of that success that we are able to bring back by this summer roughly 40,000 troops to the loving arms of their families and in answer to the prayers of many Americans who wish to bring them home but bring them home with honor and after they have been successful in accomplishing the goals they set out to do.

Now, because of the evidence of the military effort in Iraq, a combination of our coalition forces and Iraqis and local citizens cooperating to get al-Qaida on the run, there are those who said: Well, OK, the glass is not half full, it is still half empty. Where is the political reconciliation that is necessary for the Iraqis to govern themselves?

While progress on the political front has been slower than any of us might have wished for, we are seeing very positive signs of political reconciliation. The Iraqi Parliament recently met some major milestones for success, and these are very important because these are the evidence of the political reconciliation many of the skeptics have looked for and pointed out as not having been met. So it is important to acknowledge the facts.

First, they passed an accountability and justice law—the first major step in deBaathification reform. We know that many of Saddam Hussein's Baath Party members were excluded from the new Iraq, and this is the first major

step to allow people who do not have blood on their hands, who weren't part of the leadership of Saddam's Baath Party, responsible for the murder of hundreds of thousands of Iraqis, to allow them to take their first steps back into governing the new Iraq and participating in full civic life.

In addition, just a few short weeks ago the Iraqi Parliament passed three other significant pieces of legislation. They set a date for provincial elections, recognizing, as we do here in Washington, that not all wisdom emanates from the Nation's Capital, that they believe in local governance and regional governance, and that is why the provincial elections are so important as well.

The Iraqi Government or Parliament allotted \$48 billion for 2008 spending, meaning that because of increased oil revenue, they were able to take on more and more of the financial responsibilities of rebuilding and governing their own country.

Finally, they provided limited amnesty to certain detainees in Iraqi custody—an important, although difficult, step to try to make sure the reconciliation occurs on an individual level so that people need not be permanently cast as outsiders and given nothing but the opportunity to undermine reconstruction and reconciliation but actually be part of the solution rather than part of the problem.

The passage of the provincial powers law is one of the 18 benchmarks for reconciliation in Iraq which were set by the Congress just this last year.

Despite this concrete evidence of improvement and of meeting benchmarks for political reconciliation, there are those here in Congress who have simply ignored those positive steps, not only on the security front but on the political reconciliation front. Unfortunately, it seems as if too often our partisan differences seem to overwhelm facts and common sense and the common interests of all of us in America in an Iraq that is able to govern and to defend itself because our shared goal—which is to bring home our troops—is one that could be met when conditions on the ground permit those troops to come home without squandering the blood and the treasure that have been spent in trying to restore democracy to a country that knew nothing other than the boot heel of a dictator for too many years.

There are so many wonderful stories of success and commitment and patriotism in Iraq, and I would like to just close on this. I see my distinguished colleague from Wyoming on the floor, and I want to defer to him after another few minutes. I want to recognize and honor the great sacrifice by Texans deployed in harm's way in support of the global war on terror.

Some of our troops serving in far-away battlefields since 9/11 have exhibited incredible bravery and heroism in the face of personal danger, and I wish to share one story of one Texan among



many who has served in Operation Iraqi Freedom. I wish to tell the story of SGT Omar Hernandez, assigned to Bravo Company, the 1st Cavalry Division out of Fort Hood, TX.

Sergeant Hernandez has been awarded the Silver Star for exceptional bravery and gallantry in action against an enemy. He did this while serving as a team leader on a foot patrol in Baghdad. His patrol consisted of a squad of American soldiers, an interpreter, and eight Iraqi national policemen. Their mission, as is critical to the counterinsurgency strategy in Iraq, was to secure the population, to make them feel safe. They moved from house to house on crowded Baghdad streets interviewing the local population as part of their job.

During the course of one interview, though, Sergeant Hernandez and the Iraqi police accompanying him were moving to security positions on the outside of a home when they were suddenly engaged by several well-aimed bursts of machine gun fire from the south. Sergeant Hernandez immediately identified the enemy's location and returned fire, simultaneously instructing the Iraqi police to follow his lead. A second burst of well-aimed fire erupted from the enemy's position, wounding all three members of the team. Sergeant Hernandez himself sustained a gunshot wound to his right thigh. Both Iraqi police sustained serious injuries, immobilizing both of them.

Not realizing the severity of their wounds, Sergeant Hernandez ordered the Iraqi policemen to follow him to a covered position behind a cement wall. As he continued to engage the enemy, Sergeant Hernandez realized that the Iraqi police were too badly injured to reach cover on their own. Seeing that these Iraqi policemen were stuck in the enemy's direct line of fire, Sergeant Hernandez went above and beyond the call of duty, risking his own life by running under direct fire to pull these Iraqi policemen to safety. Without covering fire, Sergeant Hernandez left his covered position—not once but twice—to move these wounded Iraqi policemen to a safer position. He did all of this despite the danger to himself and having a gunshot wound to his leg. Despite his injuries and despite the continued barrage of enemy fire, Sergeant Hernandez continued to fire on the enemy position. It was only after he was certain that the threat was eliminated that he finally allowed a squad mate to treat his wounds.

Sergeant Hernandez is just one of many brave men and women who wear the uniform of the U.S. military who are serving nobly in Iraq and Afghanistan. While there is no doubt that his courage and strength were extraordinary, in some ways this is a typical sort of story of the bravery of our men and women in uniform. It should be clear that Sergeant Hernandez is representative of the quality and character of our military men and women.

I think this also tells a story of the relationship that exists between our soldiers and Iraq security forces. They fight shoulder to shoulder. They fight and sacrifice together to make their country a better place so that peace and stability might come to Iraq and so that the forces of terror and extremism that wish America and our allies harm will find no sanctuary in that country.

Sergeant Hernandez, thankfully, has now recovered from his wounds and is stationed at Fort Bliss out in El Paso, TX. He has a 17-month-old boy and has been married to his wife Jennifer Kay for 3 years.

Sergeant Hernandez, it is worth noting, was on his third tour in Iraq. These young men and women and their incredible families are our most precious national asset. The tremendous sacrifices they make and have made over these last years ought to leave us with awe-struck silence. Think of what these men and women have invested in this war in terms of their sweat, their blood, tears and effort. What message would we be sending to these brave men and women when we tell them to come home when victory sits on the horizon?

Sergeant Hernandez wouldn't abandon his colleagues in the Iraqi National Police force, but there are some here in Washington—a world away—who want to ask him and all of our troops to abandon the Iraqis and come home before the job is done.

Those who have been clamoring for troop withdrawals for months upon months, regardless of the news from Iraq, all the while extolling the virtues of our military, I think have been telling only half the story. Yet, at the same time, they refuse to pass the critical funding, intelligence capabilities such as the Foreign Intelligence Surveillance Act reauthorization bill which sits over in the House of Representatives and which, because of the failure to act by Speaker PELOSI and the leadership in the House, has left our intelligence authorities deaf to new terrorist targets that, if detected, would likely detour and defeat attacks against American citizens, both here and abroad.

Mr. President, the American people often accuse politicians of saying one thing and doing another. But this is a clear case. Servicemembers such as Sergeant Hernandez deserve not only our words but our unmitigated support.

I think our task is clear and that is to let our men and women in uniform do the job they have volunteered to do and which they are so ably performing. We ought to do nothing to deter or impede or obstruct their success, especially when success appears to be so much more clearly on the horizon than a few short months ago. But as these charts have indicated, we are having tremendous success in taking down al-Qaida—those who celebrate the murder of innocent civilians in pursuit of their own twisted goals. The last thing we

need to do is to pass legislation that would literally draw defeat from the jaws of victory.

I yield the floor.

The PRESIDING OFFICER (Mr. BROWN). The Senator from Wyoming is recognized.

Mr. ENZI. Mr. President, I will make a few comments about what is going on around here. I am not sure what has gotten into the water around here, but something strange has happened over the last couple days. Well, maybe it is not so strange, or even unusual, and that is unfortunate. What I am talking about is a sort of snowstorm, a whiteout—the people in Wyoming will know what I am talking about—except this whiteout isn't made of snow.

Bear with me while I describe our last vote, the one we did last night. It was cloture on a motion to proceed to a measure that says we should have a plan to fight al-Qaida and that we should basically put that plan out for public comment. That might strike people outside Washington as a little odd, and it should. Doesn't our military already have a plan? Yes, it does. Why would we want to tell al-Qaida how we plan to defeat them? Good questions. Good points.

The fact that the motion to debate the proposal passed overwhelmingly might further leave people scratching their heads. Senators, the majority of whom, I would venture to say, do not want the proposal to become law, voted to waste the Senate's time debating this measure. Why? Is it because debating this will actually help us to defeat al-Qaida? Is it because debating this will make our Nation more secure? No, it would not.

This is all happening at a time when we have an urgent need to work on solutions to the problems just about every one of the American people worry about. Health care is at the top of the list. Congress needs to wrangle with spiraling health care costs. Medicare is going broke. Social Security is following suit a little bit later. There are education measures on the table right now that we need to finish. Our economy begs for positive action. We have a budget problem in Congress. But the Senate came to a decision. On a vote of 89 to 3 last night, this body decided that instead of working on these problems I mentioned, we needed to debate a bill few of us want to ultimately approve. That is wrong. The American people did not elect us to play "gotcha" politics. They want to see action on real problems. They want to see results—positive results.

I voted against debating on this ill-begotten proposal because Congress needs to be doing the work the people sent us here to do.

National defense is of utmost importance to our Nation. Without a strong national defense, we would not have the free country we have. I strongly support our troops. I thank them every day and pray for them and their families every night. I do all in my power to



see that they have the support and the resources to do their job. Their lives, and ultimately our way of life, depend on it; it depends on them. But this proposal we are debating now doesn't help them. Our military strategists, our leaders in the field, do not want this legislation.

Of course we need a plan to defeat al-Qaida in every corner of the world where this wretched terrorist group hides. We need to focus on the terrorists and defeat them at every turn. But is it Congress's role to insist on a plan and then share the plan with al-Qaida? That is ultimately what this legislation would do. If Congress forces the administration and our military to write this plan according to Congress's specification, then Congress is going to want to see the plan to ensure it meets Congress's requirements. We all know Congress cannot keep a secret. If you tell the enemy your strategy, then your strategy will not work. This is a bill that is fundamentally flawed at the outset. I voted not to debate the bill. I was one of three, but a bill not worth doing is a bill not worth debating.

Just before September 11, 2001, I was given the opportunity to serve on the Senate Foreign Relations Committee. I was the ranking member of the Subcommittee on International Operations and Antiterrorism. It was during August that I was assigned to that. So in September, since I was the newest person on the committee and the least ranking, a lot of people said: How did he get on that committee? It wasn't important until after September 11, 2001—or at least we didn't place that kind of importance on it. Through that role, I was given the opportunity to work directly with other countries at the United Nations on ways to stop terrorism. I am an accountant, so I was delighted to be a part of the group that said one of the answers was to concentrate on following the money. It made a huge difference and it continues to make a difference. Countries that will never publicly admit to helping in the hunt for terrorists have helped. I know countries peer pressured other countries into helping with the fight against terrorism. Terrorists were caught, they were prosecuted, and some were executed. More sophisticated versions of this plan to fight terrorism are still in operation today. But we should not disclose the plan because that would make them worthless.

The Senate wants additional reports. Why? Congress has already mandated reports on the National Security Strategy of the United States, the National Defense Strategy of the United States, the National Homeland Security Strategy of the United States, the National Military Strategy of the United States, the Quadrennial Defense Review Report, the National Military Strategic Plan for the War on Terror, the National Military Strategy to Combat Weapons of Mass Destruction, the National Strategy for Victory in Iraq. Does that sound like plenty of work for the Pentagon?

I want you to know the Pentagon is already doing what this bill wants us to do. We do need a plan. We have a plan. We cannot make that plan public without allowing the enemy to figure out how to combat every article in it. Why are we having this debate? Well, I know we are having this debate partly to place emphasis on the fact that we need to get the FISA legislation passed. Daily, we are missing opportunities to know what al-Qaida is doing and planning. We were able to do that until about a week ago. Congress could easily approve the FISA bill. It passed out of this body by a significant majority. The House needs to pass it and send it to the President. What does that bill do? One of the things it does is make terrorists almost as accountable as drug dealers. Yes, we have stronger laws in this country for drug dealers and the way to interdict that than we do for terrorists, without having the FISA bill.

What do the American people want Congress to do? They want us to improve their ability to access quality health care. They want us to have the capability under FISA, but they want us to concentrate on those areas that we have specific jurisdiction on, not just checking up on other people to see if they are getting their work done but checking up on ourselves to see if we are getting our work done. I think the economy, which includes health care, is the biggest issue the American people are interested in. Are we debating that? No. We are debating something I think we already have had 36 votes on in various forms, all of which failed. If you try something 36 times and it doesn't work, maybe you ought to move on to something else. I am suggesting health care is one of those issues we ought to be working on and that we could work on and that comes under our jurisdiction and we have direct responsibility for it. Or maybe education. I know the people of America want better education for their kids. They expect us to have as much as possible in place that will expedite that, that will work with the parents, the teachers, the administrators, and the communities to make sure our kids have the best job opportunities in the world. They want them to be able to have jobs and afford a home and have food for their family. They want a retirement system that helps them to be secure when they finish working.

That is why I voted against debating this bill. We are not here to be non-responsive and nonproductive by taking nonactions. Let's act. Let's sit down together and come to an agreement on what we can do to make health care better for this country. Let's talk about what we can do to improve education in this country and then let's make it happen. Let's spend the Senate's time on real legislation of substance—ones we are supposed to solve and that we have the jurisdiction to solve and ones we have the ability to solve and ones we have the desire to

solve. I have been working with people on both sides of the aisle on a number of bills that are solvable—maybe not to perfection, but hardly anything here winds up with perfection. They can be solved with 100 percent agreement across the aisle on the 80 percent of the issues that we agree on. That would be real progress for America.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. 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 we are in morning business.

The PRESIDING OFFICER. Morning business has expired.

Without objection, the Senator is recognized.

#### FOREIGN INTELLIGENCE SURVEILLANCE ACT

Mr. GREGG. Mr. President, I rise to speak briefly about one of the issues that has been debated over these 2 days, which is the reauthorization of the Foreign Intelligence Surveillance Act. This bill, which passed the Senate in a bipartisan way, is now sitting in the House. This bill is critical to our national security.

I know there are some who will argue that the bill represents a threat in some way to American civil liberties. From my standpoint, nothing is more important to me than protecting the rights of Americans under the terms of our Constitution.

One of the terms of our Constitution is that the Federal Government has the responsibility to protect the American citizens and America from attacks by enemies. That is what we swear an oath to, by the way, when we take this job, to protect and defend this Nation.

We know for a fact that the forces of Islamic fundamentalists, which are led by fanatical individuals, have committed themselves to attacking our Nation, destroying our culture, and killing Americans. We have already seen their actions take place in the 1990s when they attacked the warship *USS Cole*, when they attacked our Embassies in Africa, and, of course, on 9/11.

We also know for a fact that our best weapon of self-defense in this war is to be on the offense, to find them before they can harm us. That is one of the reasons we are in Iraq and in Afghanistan.

The great advantage we have in this war is the sophistication of our Nation. Obviously, the greatest advantage we have is we have the cause of right on our side—freedom, democracy, and liberty. But the great tactical advantage we have is the sophistication of our Nation and our capacity to use that sophistication in the area of our military

and in the area of our intelligence gathering to defeat these people before they attack us. At the essence of this, at the center of this is the ability to gather effective intelligence.

We cannot stop someone who wants to attack us if we wait until they commit the act. This is not like a criminal situation where somebody goes out and robs a bank and then we go and find them. This is a situation where people want to use every weapon at their disposal, and if they get a weapon of mass destruction, they will use it to try to kill hundreds, thousands, tens of thousands of innocent civilians, and Americans specifically, in order to carry out their perverse purpose of promoting what they see as their Islamic faith, as they interpret it.

We cannot be so naive as to believe these people are not out there and intending to pursue these courses of action when they have made it absolutely clear that is what they intend to do, when they have said innumerable times that is what they intend to do, and when they have actually done it by attacking us on 9/11.

To stop them, we have to find them before they can harm us. And the way we find them is we use, in part, our great advantage in the area of tracking them through electronic surveillance. And that is what the FISA bill is all about—giving the legal tools necessary to totally dedicated American citizens who man agencies, such as the National Security Agency, the Defense Department, the CIA, the State Department, and the FBI—to give those individuals who are totally dedicated to finding the people who want to attack us the tools necessary to do that, and to do that in a way that protects Americans' rights and civil liberties. This law does accomplish exactly that. No American can have their calls intercepted or overheard intentionally unless there has been a court review of that decision and a court order approving that action.

This law is directed not at Americans, it is directed at foreigners—not Americans—whose purpose it is to do us harm, and they do not have the same rights as Americans. They should not. Their purpose is to destroy America. Why would we give them American rights? Yet for some reason the House of Representatives refuses to act on this critical issue in the area of giving our people who work for us, who work for the American people, and who are trying to protect America, the tools they need to accomplish that. It makes no sense to me at all.

Some argue the force behind denying this right and these authorities to the people who have responsibility to monitor these foreign activities and foreign individuals, these Islamic fundamentalists who wish to do us harm, the terrorists, the people who wish to limit that right wish to do so because they want to give the trial lawyers more capacity to bring lawsuits against the telephone companies, which are, obvi-

ously, an integral part of any electronic monitoring that is going to go on. I think that is unfortunate if that is the case.

We have asked these various groups, these corporations—remember, they are made up of American citizens. An American corporation is nothing more than a group of American citizens who have gotten together. Most of these corporations are pension funds which involve pensions of people who work at day-to-day jobs. Most Americans have some interest in stock through their pension funds, and these stocks are the companies that, basically, we are talking about, the telephone companies, in many instances.

These companies are being asked, and have been enlisted, and have been asked in the past to participate in protecting America. When the Government does something such as that, I think the Government also has a responsibility to say to those companies and their stockholders and their employees, many of whom are Americans, many of whom are working Americans, obviously, the ones who work for them and the stockholders who have pension funds who invest in them, that they should have protection from lawsuits which are basically inappropriately pursued because these companies are doing the bidding of the American Government as we try to protect the American people.

For some reason, the desire to energize those lawsuits has held up the ability to give the tools necessary to our intelligence community to pursue surveillance of very evil people who intend to do us harm.

It would be a great tragedy and a terrible outcome of this situation if America is attacked and that attack could have been thwarted or muted if we had the intelligence which would have been able to be gathered by electronic surveillance which would be made available through the authorities of FISA. It would be a true tragedy. I cannot imagine the recrimination that would occur in this country from the American people were we to be attacked and then discover that the information which might have thwarted that attack was unable to be obtained because the law which gave people the authority to pursue that type of information through electronic surveillance was being held up in the House of Representatives because the trial lawyers want a cause of action against the telephone companies.

It is incomprehensible to me that we have gotten to this point in the process of trying to develop our defense as a nation against people who clearly exist and who have expressed their intent so clearly and who have executed on that intent, as was shown on 9/11.

I cannot imagine that when a bill passes the Senate which has bipartisan support—this is not a partisan issue. It should not be a partisan issue. It has bipartisan support. It came out of the Senate, and it has been worked out be-

tween the leaders of the key committees in the Senate in a way that protects American civil liberties—that such a bill which gives the authority to those we ask to protect us, the authority they need to pursue the course of action they see is appropriate in electronic surveillance, that such a bill would be stopped in the House of Representatives out of what appears to be a tangential question of lawsuits—tangential in the sense that nothing is more critical to this whole exercise than protecting Americans from attack.

I join my colleagues who have risen over the last couple of days to express their frustration with the failure of the House of Representatives to act in this area. We need the House to act on the Senate bill, pass it, send it down to the President, and have it signed so that the people who we ask to protect us through electronic surveillance of terrorists who do not have the rights of Americans and who are not American, so that electronic surveillance can continue.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. DURBIN. Mr. President, I am sorry that the Senator from New Hampshire, who spoke relative to the Foreign Intelligence Surveillance Act, has left the floor. I was hoping he would be here. That is why I came down. Senator GREGG is a friend of mine, and I certainly wanted to make my remarks in front of him. I hope if he is nearby that he will come back to the floor.

He raised some serious questions about the security of the United States, and we have no greater responsibility under the Constitution than to protect this great Nation. The tragedy of 9/11 is still fresh in our memories, even though it was 6½ years ago. We know that when we work together on a bipartisan basis we can achieve the kind of results the American people expect, not only of the Congress but of our entire Government.

This Foreign Intelligence Surveillance Act has been the source of some frustration. Understand how this started. This is a program where the Government listens to the communications of other people in the hopes that they can intercept information and with that information avoid another tragedy. That is time and money well spent. The best line of defense against terrorism is good intelligence. We want to stop the 9/11 events of the future from ever occurring. So we certainly are all on board for that effort.

Here is the problem: The administration started doing this without the authority of law. There was a provision in

the law which said that if this President, or any President, for purposes of national security and gathering of intelligence, wanted to reach out to find this information in the United States, there was a court that was established, a FISA Court, Foreign Intelligence Surveillance Court, and this court would approve surveillance orders in secret, on an expedited basis, using a lower standard than a normal court. That was the standard in the law. It was a standard that was consistent with our Constitution.

If our intelligence agencies want to listen in on the conversation of an American citizen in this country, it is necessary to go for a court order. So, when it comes to the privacy of American people, you have another branch of Government looking at the executive branch of Government, saying: This is fair, this is constitutional, this is legal, you can do this. In the criminal justice process, there is reasonable cause to believe that a crime has been committed. Similarly, in the FISA area—the area of foreign intelligence surveillance—there is a reasonable belief that a suspected terrorist or spy is involved in the communication.

Now, the FISA court was very cooperative with every President. In fact, it overwhelmingly approved requests, and in only a tiny percentage of cases were questions ever raised. If the President, through his agencies, said, I need to listen in on a conversation, this court said, yes, do it, keep America safe, in the overwhelming majority of cases. So it wasn't a novel process. It was one well established in the law, but it was one that this administration avoided.

They started this surveillance program, the so-called warrantless wiretapping program, but didn't follow the existing law. They didn't go to the existing court. They did it on their own, and they did it for years. It wasn't until this program was disclosed to the American people by the New York Times that we had any personal knowledge that it was going on. There may have been a handful of Members of Congress at the highest levels of the Intelligence Committee who knew about it, but most of us did not and weren't given the information.

So the information becomes public that this warrantless wiretapping is going on after 9/11, a program not authorized by law, and it is challenged in court. When the court takes a look at it, the court says, as good as the reason may have been for this program, as good as its purpose may have been, this President, no President, is above the law. You need a law authorizing you to do what you are currently doing. So then the President came to Congress asking for changes in the Foreign Intelligence Surveillance Act so the power of the President over the new technology that is available around the world would be consistent with the law. That is the legislation that is before us, a bill to amend the Foreign Intelligence Surveillance Act.

We talked about changes in the law, and we made changes in the law. We were moving along on, I think, a positive track toward reforming, changing, amending this law to meet the current needs of keeping America safe. But there was one nagging issue out there, and it was the issue of telephone companies. Here is what it was all about.

Telephone companies doing business in America have a responsibility under the law. That responsibility is to protect the identity and the communications of their customers. If I sign up with my BlackBerry or my cell phone with a telephone company, it is with the confidence that the company that is transferring my communication and my conversation is going to protect my privacy unless—unless a court steps in and says, we have reason to believe a crime was committed or that a party to this conversation is a terrorist or a spy. We need to listen in to this conversation. That has been the standard in America. It was the standard facing the telephone companies.

So the President, through his intelligence agencies, during the period when this warrantless wiretapping program was going on—before it was made public; before it was authorized by law—went to the telephone companies and said, we want the conversations of certain people who are your customers. So the question is: Were the telephone companies doing their patriotic duty under the law by turning over this information, or did they go too far? Did the President misrepresent his authority at that time, or did he not?

These are legitimate questions. Some say, well, wouldn't we err on the side of caution and say to the telephone companies: Cooperate. We don't want another 9/11. Well, of course, we would. And you can understand in the heat of the moment, in the emotion after 9/11, why, when these telephone companies were asked to help, they did it.

I have seen the documentation presented to us in closed session. All I can say about it is, it was extremely limited. There was no legal brief given to the telephone companies saying, this is the authority of the President. It was a very scant document with very little information in it. But this program went on way beyond 2001, 2002. It went on for years. And for years the telephone companies were surrendering this private information about their customers and access to their customers' conversations in a questionable situation under the law.

Some people are testing that in court. They want to know if the telephone companies went too far, if they broke the law, if they violated the Constitution. The President's belief, and the belief of many, is they shouldn't be challenged in court. They shouldn't be held accountable in court. They shouldn't have to answer as to whether they lived up to the law. There are others, like myself, who believe neither a President nor a telephone company is above the law.

If a telephone company, I believe, goes into court facing one of these challenges, and faces any jury of Americans and says, immediately after 9/11 we did what we thought would keep America safe, I would put all my money on that telephone company winning that part of the lawsuit. I think the American people would come down on their side. But there are important questions still unresolved as to whether these telephone companies went too far and whether we should be careful in the future not to give any President, this one or any future President, powers beyond the law. That is really what this battle comes down to.

The reason I was hoping the Senator from New Hampshire would stay on the floor is that I wanted to ask him, as I have asked every Republican Senator who has brought up this issue, if they are arguing that somehow or another the current situation—debating this law on foreign intelligence surveillance—is making living in America more dangerous, then they have to answer a very simple question: Why, repeatedly, over the last several weeks, when the Democrats offered to extend the law so it would continue without any missing intelligence in terms of the surveillance efforts being made, why did the Republicans, the President's party, consistently object to extending the law?

They can't have it both ways. They can't argue we are in a more dangerous situation because the law is not in place, and then object to extending the law. This is exactly what they are doing. They cannot have it both ways.

We have tried repeatedly to extend the Protect America Act while we debate what to do with the lawsuits involving telephone companies, and they have said no, let it expire. Then, they have gone public with television ads and speeches on the floor saying, woe is me, it looks like this law is going to expire, but it is because they objected to extending the law.

They are trying to play both sides of this issue politically, and that doesn't work. It is totally inconsistent, illogical, and I don't believe it is the right thing to do for this country. Let's finish this debate between the House and the Senate as to the liability of telephone companies, whether there will be immunity or liability. Let's reach an end point in terms of that debate on a timely basis. But in the meantime, why do the Republicans continue to object to extending this law so that there is no gap in coverage, so that there is no gap in the protection it offers to the people of this country? I think that is an important element that was missed in the earlier statement.

I wish to read, if I can, from what the USA Today recently said in an editorial.

Bush is pressing the House to accept the Senate bill and refusing to temporarily extend the current law, which recently expired.

According to the USA Today, they say:

That's irresponsible. The House and Senate need time to negotiate their differences because the House has no telecom immunity provision. Bush's implication that expiration of the law would expose the Nation to terrorist dangers is worse than disingenuous: The eavesdropping authorizations under the law continue for a year. Crucial decisions about civil liberties in an age of terror shouldn't be driven by fear-mongering.

That was from the USA editorial.

I think this President, unfortunately, is manufacturing a crisis. This is the same thing we heard from this President and this administration in the lead-up to our invasion of Iraq. They painted the most frightening picture of Iraq and Saddam Hussein—weapons of mass destruction which could be aimed at our allies in the Middle East, such as Israel, and aimed at the United States; Condoleezza Rice talking about mushroom-shaped clouds and nuclear weapons striking the United States; drawing linkage between Saddam Hussein and 9/11, when no linkage existed. That was the climate of fear this administration created before they asked this Senate to vote on whether we should authorize the invasion of Iraq.

They are trying to create a new climate of fear on the Foreign Intelligence Surveillance Act. That is fundamentally unfair to the American people. I must warn this President, and every President: The American people will only be frightened by red alerts, orange alerts, and all this rhetoric for so long before they turn it off. We don't ever want to reach that point. We want to make certain when we tell the American people a danger exists, it truly does exist.

If any danger exists now from the expiration of the Protect America Act, it is a danger created by the President's party in objecting to our efforts to extend this law. They cannot have it both ways. They cannot object to extending this law and then say to the American people: Be afraid. Be really afraid, because this law hasn't been extended. That is exactly what has happened.

Time and again this administration's allies have pressured Congress to consider controversial proposals immediately before an election. Now we see them raising another security issue in the run-up to an election. This comes from a playbook written by former adviser Karl Rove that the administration has used over and over again. Think about that vote for the authorization of war in the climate of fear the administration created, and then think of the reality of what we found on the ground when we went into Iraq. Despite heroic efforts by our men and women in uniform, despite their successes in deposing Saddam Hussein, despite the expenditure of billions of dollars, we have never, ever uncovered one shred of evidence of weapons of mass destruction that this administration warned us about. Not one shred of evidence of nuclear devices aimed at the United States or any other country, not one shred of evidence linking Saddam Hussein to 9/11. All of the fear gen-

erated by this administration before that vote has not been substantiated.

But the invasion of Iraq has been substantiated in another way, in almost 4,000 Americans' lives that have been lost, 25,000 seriously wounded, and at a cost to the United States and our Treasury—record amounts. By the end of this year, it is estimated we will have spent \$1 trillion on this war that this President created on a foreign policy decision which I think may be the worst in my lifetime and sadly endangering so many brave, courageous soldiers who serve our country in uniform and risk their lives when called to duty. It is unfortunate.

Yesterday, at the insistence of the Republicans, we ground to a halt the debate on the war policy in Iraq. It means we will have to wait several months. When we return to it, there will be more than 4,000 American casualties in this war, there will be more injured soldiers, and there will be more money spent.

This President is trying to run out the clock. He wants to leave that White House on January 20, 2009, turn the keys over to his successor, and say: Good luck in Iraq—to leave two wars behind and to leave the United States in turmoil in terms of our foreign policy around the world.

Well, it is imperative now that we have the truth on the floor, and the truth is that we have tried to extend this in law despite the objections of Republican Senators. The truth is that we can work out our differences, and we should do so in a bipartisan way. We all have the same goal here: Keep America safe.

We also want to make sure that when it comes to the use of military commissions for the trials of would-be terrorists, we have a commission or at least some form of justice that will stand up to the test of our Constitution.

I do not want a single person released from our detention, wherever they may be, who can endanger the United States. I want them all held responsible for what they have done to endanger us. But the fact is, there has been only one conviction in the 6 years, 6½ years since 9/11. The fact is, what has happened in Guantanamo has been the securing and detention of hundreds of prisoners for years at a time, many of whom have been released without a charge, to return back to their families and back to their countries with a bitter taste in their mouth about justice under this administration.

The American people will take a hard look at this issue in this election, as they should. One would hope the administration would have learned a lesson from what has occurred with the invasion of Iraq and what has occurred every time they have heightened fears before an election campaign.

The American people have the final word. Now the President is claiming our security is at risk because this Protect America Act has expired. But

at the same time, his party, the Republican Party, has time and again objected to extending this law. The American people have heard this song before. They are not going to buy it.

#### CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

#### REQUIRING A REPORT SETTING FORTH THE GLOBAL STRATEGY OF THE UNITED STATES TO COMBAT AND DEFEAT AL QAEDA AND ITS AFFILIATES—MOTION TO PROCEED

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of the motion to proceed to S. 2634, which the clerk will report.

The legislative clerk read as follows:

Motion to proceed to consider calendar No. 576, S. 2634, a bill requiring a report setting forth the global strategy of the United States to combat and defeat al Qaeda and its affiliates.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, I rise to make a number of points on the two Feingold bills which are before us. I will be happy, after I conclude my remarks, if my neighbor from Illinois, the majority whip, wants to come back and discuss some of the points he made. I believe I disagree strongly with them. But I wish to take the time to lay out my views of what is happening in Iraq and in our battle against al-Qaida and why the two measures before us make absolutely no sense.

On the second Feingold bill, he asks for a strategy dealing with al-Qaida. Let me assure you, as the ranking Republican, the vice chairman of the Intelligence Committee, I know one of the most important elements we have in dealing with al-Qaida is to be able to listen in on their electronic communications. That is covered by the Foreign Intelligence Surveillance Act.

On February 16, 2008, after being extended for an additional 15 days—and we agreed, the Republicans agreed, the President agreed to give an additional 15-day extension on the Protect America Act, but it expired. The Protect America Act which I was pleased to sponsor passed in Congress in August 2007 to provide a short-term legislative solution to intelligence gaps that were occurring because of the outdated Foreign Intelligence Surveillance Act, or FISA, which put a 6-month sunset on the PAA to give Congress ample time to work on permanent changes to FISA.

Our Intelligence Committee, in September, immediately answered the call. We went to work, and after many discussions among staff on both sides, members on both sides, visits to NSA, and in close collaboration with the intelligence community, we passed out a

bill that was a strong bipartisan bill that would, with a few modifications, ultimately become the bill the Senate passed. The majority leader, however, did not act on this bill until the final days of the session in December. Even though it was passed out in October, on December 17 several Democrats led a filibuster preventing the Senate from considering this vital intelligence legislation.

I find it ironic that the assistant majority leader is now accusing Republicans of taking up postcloture time on S. 2633, the troop withdrawal bill, when it was one of his own members who filibustered even bringing FISA to the floor last December by demanding postcloture time that killed moving to the FISA legislation in 2007. And it aided in jamming us with a deadline of the expiration of the PAA. That was the Senate Democrats, not Republicans, who jammed this body on the FISA deadline.

Again, when Congress returned from its recess in January, the PAA was set to expire in a few short weeks. The majority leader did not take up this important legislation, however, but he went to a debate on the Indian health bill. With the original PAA deadline looming, a short 15-day extension of the PAA was agreed to with the understanding that both House and Senate would be able to act within that time.

Why the majority leader wanted to put the Senate up against this deadline, I have no idea. He claimed the Senate Republicans did that. Well, I can assure you that it is not the Senate Republicans who filibustered moving the bill in December and insisted on bringing up Indian health before FISA in January. Why was that done? We just passed Indian health recently. It was an important bill, but there was no deadline requiring us to bring up that bill before we went to FISA. Unfortunately, once we did get on the FISA bill, more time was wasted trying to come up with a bipartisan agreement on how to handle amendments.

Ultimately, the Senate passed its bill on Tuesday, February 12—5 days before the expiration of the Protect America Act. The Intelligence Committee bill has been available for review by both Houses since its passage in October. As I said, there are a few modifications in the bill passed by the Senate, but the authorities and concepts remained unchanged.

Additionally, Senate and House majority staff were in close coordination during the deliberation of our bill in the Senate. And it happened more than once, when we were trying to move forward on the Senate floor, that Democrats had to pull their staff out of meetings with our House counterparts to talk to us so we could move forward in passing the bill out of the Senate.

After we passed our bill, the House Speaker refused to allow the Senate's bill to come up for a vote, even after she failed to get agreement from her own body to extend the PAA a second

time. The House refused to grant an extension. The Speaker spent the remaining period of time before the recess considering censure resolutions against current and former administration officials and debating and listening to the potential steroid abuse by Major League Baseball players. She had been assured by the majority of her colleagues in the House, Republican and Democrat, that they would pass the Senate bill were she to allow it to come up for a vote. Nonetheless, she allowed the Protect America Act to expire on February 16, and the House went home on recess, as we did in the Senate.

We all know the Senate's bill was passed by a strong, bipartisan 68-to-29 vote. As we all know, this bill goes further than ever before in providing a role for the FISA Court in foreign intelligence collection. It requires, for the first time in history, that the Government obtain a court order to target a U.S. person overseas. And let me be clear, this is not even a requirement in criminal matters, but it is for intercepting terrorist communications. We have gone further in protecting civil liberties than ever intended by Congress previously in FISA or other measures, permitting law enforcement authorities to listen in on conversations or intercepted communications of people engaged in criminal activities.

Finally, of the utmost importance, the Senate bill afforded civil liberties to those companies that aided us with the President's terrorist surveillance program following the September 11 terrorist attack. Why is this last point so important? Well, the events of this past week should make it clear that we need the voluntary cooperation of our private partners in order to collect timely intelligence. The PAA did not provide any civil liberty protections for those providers that assisted with the terrorist surveillance program. It did, however, give prospective liability protection to companies that complied with the directives while the PAA was in existence.

Let me address one point that has been brought up on the floor. The President authorized the use of the terrorist surveillance program under his constitutional article II authorities, which have been used consistently by many Presidents throughout history.

I understand—and I was not involved at the time—that the administration talked with the top leaders on the intelligence committees in both bodies, the Senate and the House, on a bipartisan basis, about trying to get the FISA law changed before they instituted collection. It was the advice of those leaders that the President not try to wait until we could amend and change FISA.

It is a good thing they gave that advice because, as we have seen, trying to get a long-term FISA amendment passed has taken an inordinate amount of time since we first were advised of the need to amend FISA last April when one of the courts involved in this

issued an order saying that because technology had changed, we could no longer intercept communications of foreign terrorists whose communications, because of modern technology, came through the United States. That is what shut us down, and that is what still continues to bother us today. That still continues to limit us today, with the expiration of the Protect America Act.

Once the PAA expired, the liability protections as well as the Government's ability to compel assistance were thrown into doubt. Providers that were being threatened with hundreds of millions of dollars in damages from frivolous lawsuits because they helped their country after 9/11 began to delay or refuse assistance with directives under the now expired PAA. And who can blame them? These providers have a fiduciary obligation to their shareholders, and if the law becomes uncertain, as it now does with the expiration of the PAA, it becomes harder to satisfy those obligations, especially when they are faced with the ongoing frivolous litigation that was described here a few moments ago.

There is a very real difference between having the authorization to make the collections and being able to collect. Being able to exercise those authorities requires that the intelligence community have the full cooperation of the intelligence community and that the intelligence community have the full cooperation of the private telecom carriers.

Based on the opinions and legal documents I have read, they were required by law, by the Constitution, to participate. Yet having participated, now they are being faced with frivolous lawsuits which will, I am confident, never show any wrongdoing by the telecommunications companies. The purpose of these lawsuits is not to collect intelligence but, rather, to destroy the ability of the intelligence community to collect information by imposing unbearable public costs on the companies, threatening not only their reputations and potentially a very large amount of their shareholder value but also exposing their personnel and facilities here and abroad to retaliation by terrorist groups.

Finally, the lawsuits, which were applauded recently, have the very real potential of providing more information to terrorists on how we collect their electronic communications. The more we tell them about what we do to collect against them, the better off they are in being able to avoid those collections.

The Director of National Intelligence has told us that now, after a lag, the surveillance under existing directives has resumed. That is good news. But what this means for collection tomorrow, next week, or next month is simply unknown, especially if, for example, the need arises to issue a new directive to a new provider, if some new terrorist group, some new target comes

up not covered by previous orders. It is this uncertainty due to Congress's inaction that the DNI and the Attorney General have said is their greatest concern. Let me assure you, the providers share this concern. It is only because of the heroic around-the-clock efforts of the men and women of the intelligence community and the Department of Justice that the providers have agreed to cooperate for the time being, but it is only for the time being. We should not be lulled into thinking we have time, certainly not time for another extension of the 15 days after the 6-month sunset bill, to get this legislation to the President for signature. Just as easily, any one provider could decide at any one time that it is no longer in its business's best interest to comply with the Government's lawful request for assistance when the legal authority has expired. Losing the cooperation of just one provider could mean losing thousands of pieces of intelligence on a daily basis. Moreover, because we have already lost cooperation for several days, we lost the foreign intelligence information that will likely never be within our ability to recall.

What terrorist communications we have missed or will miss in the future because of this 1-week gap we cannot calculate. We do not know. I for one believe we were elected in Congress to establish the framework for protecting our national security and for encouraging assistance from our citizens to serve their country rather than encouraging or allowing a state of fear to fall upon our citizens and companies that would dare to assist their Government in a time of need.

Is this really the message we want to send? Do we really want to send the message: Don't help your country or you will get sued and your elected officials will condemn you? Isn't that really the main issue and the heart of the message here? I am afraid it is. I deeply regret that is what we are seeing on this floor.

Some in Congress, particularly in the House Democratic leadership, have asserted that even though the PAA has expired, the country is just as safe as we were after the PAA was enacted. They claim the procedures under FISA are more than adequate to allow the intelligence community to do its job. They point out that the certifications already issued under PAA do not expire until at least August. These arguments simply do not carry water. Those who claim we can revert simply to emergency FISA orders demonstrate they really don't understand how the FISA process works. The intelligence gaps that led to the need for PAA were caused not by backlogs in processing FISA warrants but because of the way FISA was being applied to foreign intelligence collection, and seeking emergency authorization is not simply a solution, as though the intelligence community could just tell the Attorney General they are intercepting terrorist communications and then build

a case for probable cause. Rather, the intelligence community must first establish probable cause on each target before they go to the Attorney General for emergency authorization.

The problem prior to PAA—and it is the same problem that exists now that the PAA has expired—is that the probable cause standard cannot always be satisfied easily when we are talking about foreign terrorists, foreign terrorists who are not entitled to constitutional protections. Analysts who should be spending their time tracking the terrorists will be forced to expend countless hours, hundreds of hours, to develop enough information to support the FISA probable cause standard. We all understand the merits of a probable cause determination when we are talking about U.S. citizens. That is what the fourth amendment is all about. But when we are talking about foreign terrorists, applying such a standard absolutely makes no sense.

Is the House Democratic leadership really advocating a system that imposes unreasonable burdens on our intelligence analysts at the expense of our ability to track terrorists and affords foreign terrorists the same fourth amendment protections our own citizens have? I would hope not. The people I talk to back home don't think that makes sense. There is a lot of common sense around the country. When you go out and talk to people and you listen to them, you hear that common sense. They say: What are we doing, giving our constitutional rights to foreign terrorists who seek to harm us?

These points were reiterated this past week by the DNI and the Attorney General in their letter to House Intelligence Committee chairman SILVESTRE REYES. The DNI and AG disagreed that FISA could be employed in place of the PAA, pointing out that it was "the very framework that created intelligence gaps in the past."

Further, just because existing authorities will continue in effect at least until August doesn't mean the intelligence community has the flexibility and authorities it needs to address future unknown threats or technologies. Having the authorization doesn't necessarily mean you have the ability, particularly in the situation in which we have placed our vital private sector partners who must cooperate with us.

As the DNI noted this weekend in an interview:

A new personality, a new phone number, a new location—we now have to put it into the system to be able to collect that information. That's the question, because the private sector partners said nothing new. So we had to negotiate that because what it created was uncertainty, and the position from the private sector point of view, "Am I protected? Does the law allow you to compel me to comply?" And when the act expired last week, that's in question. And that's why we feel that we are less capable of doing our job.

The immediate problem for the intelligence community is how to address

this uncertainty so that new threats not covered under current certifications or directives may be pursued. And the DNI has told us this is no longer a hypothetical concern. While I cannot discuss details publicly, any Member may come to the Intelligence Committee's spaces for a classified briefing on this issue.

Simply to sum up on the second Feingold amendment—for the safety of our country, the safety of our troops abroad, the safety of our allies, the House must bring up and pass our bipartisan FISA bill now.

Turning to the first Feingold amendment, that is another one seeking to renew and rejuvenate a measure that we have voted down more than 40 times in this body: that we cut and run, that we declare defeat and retreat from Iraq. I thought it was interesting; this morning I saw a Presidential candidate on the trail stating that al-Qaida was not even in Iraq before we went in to take out Saddam Hussein. If you take time to get informed about what was going on in Iraq, as we have in the Intelligence Committee, you will know there was a very vibrant group, a very vibrant Islamic terrorist group called Ansar al-Islam. Its leader was Abu Musab al-Zarqawi. We got to know him well because he was that vicious villain who beheaded his enemies on television. Innocent citizens, American troops, journalists, he took great delight in lopping off their heads in front of television.

And, yes, his group, Ansar al-Islam, picked up the major franchise. He joined officially what he had been unofficially, and that was an ally of al-Qaida. His group is now called al-Qaida in Iraq. They may have changed the name, but the people were there. The terrorists were there. David Kay went into Iraq after we deposed Saddam Hussein. He was sent there with a group called the Iraqi Survey Group to find out why we got the information wrong. There were wrong things in our intelligence. We made assumptions that weren't correct. But we missed other dangers, such as his ballistic missile program, the fact that he found Iraq to have been a very dangerous place in which terrorist groups were running loose and where Saddam's government had the ability to start a just-in-time inventory production of weapons of mass destruction.

The conclusion of the Iraqi Survey Group, which was discussed with us many times in the Intelligence Committee and was then stated publicly: Iraq was a far more dangerous place ever than we knew. That is what the best intelligence post-fall of Saddam Hussein had to say for those who question why we went in. We didn't get it all right. But we had enough right to make the right decisions. From the intelligence we know now, al-Qaida was not only in Iraq before we went in, it is the primary danger we fight there now, and its leaders have said repeatedly



that they want to make their headquarters for their worldwide caliphate in Iraq.

Fortunately, our military leaders have developed a strategy that is working against them: General Petraeus, the surge and, most importantly, the counterinsurgency strategy, COIN, to go in, clear, hold, and build.

We can't just knock out a terrorist activity. We have to go in and make sure al-Qaida doesn't come back. We have to go in with Iraqi security forces to make sure the area can be safe so they don't come in and retaliate against citizens who cooperate with us.

We have been hearing on the floor some very compelling testimony by my colleagues who have recently returned from Iraq about the tremendous progress that has been made there. My last trip to Iraq was in May of 2007. We saw, when our Intelligence Committee was there, the beginning of a turnaround that showed that the COIN strategy of General Petraeus was working. But last night, I had an opportunity for an extensive conversation with a Marine combat platoon commander who went back to Al Anbar province in March of 2007, having left there 1 year previously after spending 13 months there on his first tour in Fallujah.

In March of last year, it was a very difficult situation, and al-Qaida was still hanging on to control in Al Anbar. The Marine platoon commander had left there in February 2006. We were working toward progress, but then al-Qaida bombed the Golden Mosque at Samarra and the ensuing chaos allowed al-Qaida to establish a firm foothold in Al Anbar and served up grave sectarian stress.

Things began to change in the spring with the COIN strategy. American and Iraqi forces were clearing, holding, and building, embedded in the communities they had cleared. As of May of last year, Marine outposts and Iraqi Army outposts were still being bombarded with mortars, threatened by IEDs, and continually harassed by small arms fire, a deadly combination of attacks on them. But when the American troops demonstrated they came in to clear and help Iraqis hold a secure area, things started changing dramatically. Iraqi security forces began working better among themselves and with their forces. There was much greater civilian cooperation, and Iraqi civilians became our most vital source of intelligence. That intelligence, combined with the good work of the Iraqi security forces and Marine action, essentially eliminated most of the kinetic threats, the killing threats.

By the end of July 2007, the Iraqi Army was no longer needed in Al Anbar and moved on to other areas to chase al-Qaida. They turned the security in Al Anbar back to the Iraqi police, backed up by the Marines.

This began a very positive trajectory that continued throughout the time the platoon commander was there. In

the last 4 months he was there, he said the 2nd Battalion 6th Marines did not suffer any injuries from hostile kinetic attack—mortars, IEDs, small arms fire. But probably the most important thing was that al-Qaida lost its traction. It was denied the assistance and support of local populations. And for the Iraqis, the most significant thing was the Iraqis were much safer themselves, having less to fear from the terrorists who killed Muslims as freely as they killed Americans.

In my view, that is a military strategy for success. Al-Qaida forces must be driven out wherever they amass to mount attacks against us or our allies or peaceful Iraqis. Iraqis are taking over security with their Army and police. We must continue to train and support them and back them up when al-Qaida amasses forces against them. That is essential.

Al-Qaida will not go away anytime in the near future. But right now the military battle is in Iraq, and we must continue to strengthen the ISF to fight al-Qaida jointly with them and enable the ISF to do the basic job of assuring security and stability in Iraq. Al-Qaida will no doubt try to establish other beachheads, and we will attack them where we find them.

That is our military strategy. That depends upon good intelligence. That depends upon the passage of FISA. Our intelligence strategy is clear. We must have the FISA bill, and it is time for the House to act. It is the only way we can monitor top-level communications of al-Qaida leaders.

Working with our Pakistani allies, we have seen the death recently of Abu Laith al-Libi, the fifth-in-line operational chief of al-Qaida, who became eliminated. Fortunately for us, the operational leaders, the ones who give the orders, are taken out on a regular basis because we can get the information on them and we can work with our allies to take them out.

I would say, parenthetically, we need a clear, hold, and build strategy wherever terrorism threatens. That means before a radical group steps up and takes over a country. That means we must reject protectionist calls from those who would stop American economic ties and development activities, educational exchanges, with Islamic and Third World countries where terrorism seeks to gain a foothold.

What we call smart power is the essential element in maintaining long-term safety and security. The battle against terrorism is 20 percent kinetic. That is what our military does so well, and we are doing it well in Iraq. We need to be aggressive in going after their kinetic threats, against terrorists. We need strong intelligence activities. But 80 percent of the battle is economic development, personal contact, educational exchange, helping those countries know we are with them in partnership to assure their democracy, human rights, and economic opportunity through free markets in

their countries. That strategy is working in Iraq, and we need to apply that strategy wherever the danger exists or where it may exist.

What is working in Iraq right now? We have seen the COIN strategy. Attacks by insurgents and rival militias have fallen by 80 percent in Baghdad. Our marines have returned from Al Anbar on success, having routed al-Qaida. Al-Qaida once controlled big chunks of Iraq and is now fighting to maintain its last stronghold in the country in Mosul. According to senior Iraqi military officials, concrete blast walls that divide the capital can soon be removed.

These dramatic security improvements and our COIN strategy have, as intended, created an environment in which Iraqi political leaders can reconcile. Everybody wanted to see them act quicker than this body, Congress, can act. They passed a deBaathification law, a provincial election law, an amnesty law, a \$50 billion budget. These things are going to go through the political process. One of them was vetoed. But they are making the process work, and that is what we can expect, not that they will move more efficiently and effectively than we do.

Despite all the progress, some on the other side remain unwavering in their commitment to withdrawal. The artificial deadlines, timelines would jeopardize Iraq's very real chances that it will emerge as a secure and stable state.

Are the Democrats so intent on denying President Bush a victory for a war they insist is his that they would deny their own country a now achievable victory—a secure and stable Iraq? Trying to blame the Iraq war on Karl Rove is a political shot that has to be dismissed as nothing more.

The Iraqi Government has its problems, and there is too much sectarianism in the Government and the Iraqi Security Forces. But saying the benchmarks have not been met—and damning the war to failure on that basis—is shortsighted, defeatist, and yesterday's sound bite. We do not need any more sound bites. We do not need any more political campaigning on keeping our country safe. It is time we got serious about assuring our troops they have the support they need and that our intelligence agencies have the ability to use their full capabilities, technical capabilities in partnership with the private companies, to make sure we get the best intelligence available.

No responsible Iraqi official thinks we can leave now, nor do our U.S. commanders, and nor do any responsible world leaders, regardless of whether they felt we were right to go into Iraq in the first place.

If you think our world standing has gone down as a result of Iraq, watch it take a nosedive if we pull out precipitously and irresponsibly, leaving a mess in our wake: Chaos, widespread killing, potential nationwide sectarian



wars, and the reestablishment of an al-Qaida safe haven, a caliphate.

The same people who were wrong about the surge a year ago are determined to remain wrong about it now. We must defeat the retreat-and-defeat resolution. We must defeat an effort to establish our al-Qaida fighting strategy in public. We have a strategy. Anybody who wants to learn about it can learn about it. Some of it is classified. We are not going to talk about it publicly. But I join with my colleagues in urging defeat of both the Feingold amendments.

Now, Mr. President, I yield the floor for my colleague from Florida.

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

Mr. MARTINEZ. Mr. President, I thank the Senator from Missouri for his steadfast direction on this very important issue to the national security of our country and for the great work he does in our Intelligence Committee. But I also know he is someone who not only looks at this issue as it relates to the safety of the American people, but he also has had, as you might say, a little skin in the game. He has had his son over there on more than one occasion. So he is someone who speaks not only as a terrific Senator but as a father of someone who has been on the frontlines of this battle.

So I, too, rise in opposition to both Feingold proposals. I believe this is a time when anything other than retreat is the order of the day. It is odd we should come to this point at this point in time. Why, once again, after now repeated and repeated attempts without success to insist on a withdrawal and a retreat and a defeat, do we come back to revisit this very subject?

So I rise in opposition to the Feingold measure. The measure requires that the administration develop a strategy ensuring the deployments do not undermine military readiness or homeland security—which that is what they are about; they are about homeland security—and that Reserve units are not deployed more than once every 4 years and regular units not more than once every 2 years.

The fact of the matter is much of what this Feingold proposal—the current one—suggests or asks is information that the sponsors of this legislation, if they truly just seek to obtain that information, would find in very comprehensive documents that are already available.

There is something called a Quadrennial Defense Review, something else called the National Military Strategy. Also, there is the National Security Strategy. And there are many other documents such as these that are already available. These documents exist so we can have a fuller view of the challenges we face and the assets and plans we have in place to defeat the enemies of America.

I would further suggest that one of the key tools in the fight against al-Qaida is FISA, the Foreign Intelligence

Surveillance Act. That is something both the military and nonmilitary intelligence agencies use to track terror suspects. It is probably the single most effective tool we have in making arrests and disrupting terrorist operations.

The Protect America Act, nearly 2 weeks ago—which updated FISA—expired because the Congress failed to act. The Senate acted, the House did not. As a result, we run a serious risk of losing the cooperation of the partners we rely on for gathering intelligence. As the 9/11 Commission and others have pointed out, small gaps in intelligence or the inability to connect the dots can have catastrophic consequences.

Because of the uncertainty this Congress has helped to create, we are running the risk of losing these partners and missing out on information that could be vital to securing this Nation. It is imperative for our intelligence community to have every tool they need to collect intelligence at their disposal.

The core authorities provided by the Protect America Act have helped us to obtain exactly the type of information we need to keep America safe, and it is essential Congress reauthorize the act's core authorities, while also extending liability protection to those companies that assisted our Nation following 9/11.

As a member of the President's Cabinet on the fateful day of September 11, 2001, I can readily recall what this city was like on September 12. We could still see the smoke rising from the Pentagon building—that unbelievable sight of destruction, of death. It was a time when the Nation was assured we were about to be hit again. The decision was made that we needed to act, that we needed to move forward to try to protect our Nation. And thank the Good Lord, until today our Nation has been kept safe. That has not been by accident. That has not been just by fate. It has been because we have been aggressive in intelligence gathering, and we have been aggressive in taking the fight to the enemies of America.

Some in this body have argued the expiration of the Protect America Act has not weakened the intelligence community's ability to conduct surveillance and have cited an Executive order as a legitimate substitute for the act. I do not agree with that. I disagree.

An Executive order is not always as effective, efficient or safe for our intelligence professionals as the conditions accorded to them under the Protect America Act. In fact, this Executive order failed to aid our intelligence community in a particular case prior to 9/11. One of the September 11 hijackers communicated with a known overseas terrorist while living in the United States. But because that collection was conducted under an Executive order, the intelligence community could not identify the domestic end of

the communication and, further, were unable to collect the information that may have given greater insight into the planning of the 9/11 attacks.

In fact, this was cited as one of the central criticisms to the congressional joint inquiry that examined the intelligence failures leading up to the September 11 attacks.

In the absence of the Protect America Act, others have argued employing the outdated provisions of FISA would be sufficient to ensure there is no drop-off in the way we gather foreign and domestic intelligence. Unfortunately, using these particular provisions accorded under the FISA Act—unlike the Protect America Act—would impair our ability to collect information on foreign intelligence targets located overseas.

FISA was designed to govern intelligence surveillance of persons in the United States where the fourth amendment mandates that there must be probable cause before surveillance can begin. While this makes sense when targeting suspects in the United States for surveillance, it doesn't for surveillance of overseas targets and could result in the loss of potentially vital intelligence as our intelligence officials wait for the process to occur. It could also divert the attention of our linguists and analysts away from their core role, which is to protect the Nation from the task of providing detailed facts for FISA Court applications.

It is false to assume Congress's amendments to FISA are sufficient and that there is no longer a need to modernize the act. This past August, Congress amended the Protect America Act on a basis that runs counter to this particular statement. Since its inception in 1978, there have been many advancements to communications that have to be reflected, that have to be updated, and that have to be a part of FISA.

There has been an issue of concern also about Congress's failure to provide liability protection for private sector firms which helped the Federal Government in defending the Nation following the September 11 attacks. This was part of the Senate bill which had strong bipartisan support. Not providing liability protection, some have argued, will have no effect on our intelligence collection capabilities. The fact is that these companies acted in good faith, and they acted in good faith when they were called upon to assist our intelligence professionals in keeping our Nation safe after our Nation was attacked.

I once again want to remind us about September 12. What did we feel like? What were our thoughts at that time? What would we not have done to ensure that America was kept safe from another savage attack? By the way, our enemies are still at it. Nothing has changed in terms of their intentions. What has changed is their capabilities, because we have been on the offense.

What has changed is America's ability to defend itself because we have been protecting ourselves.

It was the right thing for these companies at the time to assist their Nation in need, and it was the right thing for us to do to provide them with immunity from the potential barrage of lawsuits they could face. It was the fair and the just thing to do. Private party assistance is necessary and critical to ensure that the intelligence community can collect the information needed to protect our country from attack.

In a report on S. 2248, the Senate Intelligence Committee agreed when stating:

The Intelligence Committee cannot obtain the intelligence it needs without assistance—

from our telecommunications partners.

Exposing the private sector to potential billion dollar class action lawsuits would set a dangerous precedent after they worked admirably with the folks in our intelligence community to defend our country. If we are unable to count on their support in the future, we cannot continue to pursue terrorists who are still very much interested in attacking us again.

Yesterday, testifying before the Senate Armed Services Committee, Admiral McConnell was very clear. This is necessary. It is essential for Admiral McConnell and for our intelligence community to be able to do their work. We have a solemn obligation to keep to the American people, which is to keep them safe and to remain proactive in identifying threats before they materialize.

Through the benefit of hindsight, we have identified some areas where the bureaucracy has failed the American people, and we must work to fix them by ensuring our intelligence officials have everything they need to stay on the offense in the war against our enemies.

One thing I think we can agree on is that Iraq is the pivotal front on our global war on terror. That is where we are fighting al-Qaida. We fight them there so we don't have to fight them on our soil.

Osama bin Laden has called Iraq the "central front" against the war on America and the West, and al-Qaida in Iraq shares that goal. Our soldiers are on the front lines of this war on terror, and it is our duty to give them everything we can to help them achieve their objectives.

Admiral McConnell yesterday was talking about how this particular act could help in the case of kidnapped soldiers on the front and that this inability would be a tremendous detriment to our ability to keep our soldiers safe on the battlefield.

I understand the bill we are on today and the legislation we considered earlier this week are aimed at pulling United States troops out of Iraq immediately, precipitously, irresponsibly, and signaling defeat. If we are seeking conditions in Iraq today such as those

we saw a year ago—presurge—then I could understand why we would be debating this. When we were here a year ago, many of my friends on the other side of the aisle were ready to admit defeat. The distinguished majority announced that the United States had "lost" the war in Iraq, there was no way to win, and that we should pull our troops out as soon as possible. Presidential candidates still continue to insist that an immediate pullout is the only logical answer that a Commander in Chief should take.

A lot has changed since a year ago. In February of 2007, ethnosectarian violence accounted for nearly 800 deaths in Baghdad. So far this month, ethnosectarian-related deaths number below 40, a 95-percent decrease. During the same period in Baghdad, suicide attacks went from 12 a month to 4 this past January, a 66-percent decrease. Attacks have decreased in 17 of 18 provinces in Iraq. IED detonations are down by 45 percent in Baghdad since February of 2007.

This is to say that the war wasn't lost. Admitting defeat was premature, if politically expedient, at the time. We did not lose the war. The surge is effective. Our troops, as we knew they would, did rise to the challenge. By the way, it is not only our troops, it is our commanders. It is General Petraeus. It is the brilliant strategies that have been followed.

No one wants to have our troops in Iraq any longer than necessary. I look forward to the day when young people I know who are paying this country's duty there can come home to their families and to their young children. We are there because our military presence is necessary. It is necessary for our national security.

The troop withdrawal measure, Feingold No. 1, was debated this week and would cut off funds for combat deployments in Iraq in 120 days. Not only would it cut off money for our troops, it would cut off any chance at continuing the political process that has begun to take hold in Iraq.

The atmosphere that the surge has created in Iraq has allowed political progress to take place. Sure, the voices of defeatism would say we have made no political progress. The fact is from time to time we get a little bogged down in the Senate, even after 200 years of meeting together and after 200 years of relative peace and tranquility. But progress is being made politically.

This month, on February 13, the Council of Representatives passed three key pieces of legislation: the amnesty law, the provincial powers law, and a fiscal budget.

The amnesty law: The Government of Iraq's general amnesty law represents a benchmark in facilitating political reconciliation and the rule of law of Iraq. It addresses the scope of eligibility for amnesty for Iraqis in Iraqi detention facilities, whether they have been brought to trial or not. The law exempts from this amnesty those who

have committed specific serious crimes such as premeditated murder or kidnapping or those who are subject to the death penalty.

The provincial powers law: Along with the elections law, the provincial powers law provides the establishment of a new provincial election by October of 2008 and defines the authorities of the federal government in relation to the provinces.

The fiscal budget: The \$48 billion Iraqi budget would represent a 17-percent increase in spending over last year's budget, with a 23-percent increase in security expenditures. They are beginning to pay for defending their country. Capital funds allocated to the 15 provinces will increase over 50 percent, from \$2.1 billion to \$3.3 billion, reflecting the improved budget execution performance by the provinces in 2007.

Democrats' proposals for a quick withdrawal of American forces without regard to consequences will leave America less safe and undermine our national interests. Moreover, disclosing to al-Qaida our plan for defeating them is a recipe for defeat of our own troops. General Petraeus tells us that the effective fight against al-Qaida begins in Iraq. General Petraeus says:

We have an enormous national interest in Iraq, first of all, in helping the Iraqis achieve its objectives, our objectives of a secure, stable Iraq, connected into the region. Not a regional problem, not a base for al-Qaida from which to train and export terror. . . .

And, I would add further, one of the possibilities of a triumphant Iraq, of a triumphant United States in Iraq, of a state that could be a stable democracy in the heart of the region, and what a difference it could make as an example to other nations.

I am still hopeful enough to believe that this can be achieved, and certainly when we look to where we were a year or so ago to where we are today, a lot has changed and a lot has happened.

I see my colleague from Colorado patiently waiting.

I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. ALLARD. Mr. President, I personally thank the Senator from Florida for a fine statement. I listened very carefully to what he had to say on FISA, and then his message of hope to the Iraqi people. I have had an opportunity to serve with the Senator from Florida in the Senate and I feel very honored to be able to do that. I also had an opportunity to interact with him when he was a member of the President's Cabinet. He is a leader whom I think has a future and I certainly appreciate his leadership here in the Senate as well as in the President's Cabinet. I thank him for his dedication to our country.

Mr. MARTINEZ. Mr. President, I thank the Senator from Colorado.

Mr. ALLARD. I also want to recognize Senator BOND, the Senator from

Missouri. He spoke before Senator MARTINEZ. I thought he gave a very meaningful talk about the importance of FISA, along with Senator MARTINEZ. He has a personal interest in what happens, not only as a Senator from the State of Missouri, but he has a son who serves in Iraq. So he gets a firsthand report, and I know he spends a lot of time studying it. He certainly has become one of the more knowledgeable people in the Senate as far as intelligence matters are concerned. I think it behooves all of us to listen to his presentation and the message he is sending.

I rise today to discuss S. 2634 in light of the current situation regarding the Foreign Intelligence Surveillance Act. The bill we are discussing calls upon the Secretaries of Defense, State, and Homeland Security, along with the Joint Chiefs of Staff and Director of National Intelligence, to jointly submit to Congress a report setting forth the global strategy of the United States to combat and defeat al-Qaida and its affiliates. I can't imagine that this proposal would have any effect—given, for instance, that the Director of National Intelligence Mike McConnell has been calling for an extension of the Protect America Act, and the House refuses to listen. Director McConnell feels an extension is necessary to combat and defeat terrorists, including all al-Qaida, but that proposal doesn't seem to matter much.

As we all know, the existing authorities provided by the Protect America Act expired nearly 2 weeks ago. On February 16, the House Democratic leadership allowed these provisions to expire without a vote. So for the last 2 weeks, our intelligence community has lost out on opportunities to gather intelligence and to continue to keep our Nation safe.

As a majority of Senators know, the recently passed Senate version of FISA is a solid, workable, bipartisan bill that would greatly enhance the protection of this country. In addition, it would increase civil liberty protections and the protections of the privacy rights of Americans.

The Senate passed FISA modernization with bipartisan support. Since then, the House has failed to take up the provisions. What is most distressing, and quite frankly the most insulting factor in this situation, is that within the same week the House chose not to take up and make permanent essential provisions from the Protect America Act, the House Committee on Oversight and Government Reform found time to conduct a hearing on steroids in professional baseball that amounted to nothing more than a media circus. It is for reasons such as these that Congress has some of the lowest approval ratings in history. To top it off, the House promptly adjourned for a week of recess as the FISA provisions expired. If nothing else, this action—or more correctly inaction—presents the appearance that

House leadership is prioritizing media-friendly events above the hard work of keeping our Nation safe and providing our intelligence agencies with the tools they need.

FISA in its current form is not sufficient to fight the war on terror. This issue, as much as any issue brought before Congress, needs to be clarified in a timely fashion. Time is most certainly not on our side, and continued delays in the passage of this bill will simply prolong our existing vulnerabilities.

Director of Intelligence Mike McConnell and Attorney General Michael Mukasey wrote on February 22 that:

We have lost intelligence information this past week as a direct result of uncertainty created by Congress's failure to act.

Mr. President, is this a comment we simply want to disregard? Are House Democrats under the impression the DNI and Attorney General are bluffing? These claims need to be taken seriously, and political posturing simply will not suffice at this point.

Our intelligence community must act quickly in order to be successful. As lives literally depend on their expeditious decisions, it is not in our best interests to deprive our intelligence community of the ability to collect necessary foreign intelligence information. Having the ability to collect and obtain correct information at the right time is of critical importance to our struggle against radical Islamic terrorists who have grown increasingly brazen in their tactics. Additionally, our enemies have become more adept to changes in technology. The world moves quickly, and we have no choice but to keep up with the changes if we are to keep our country safe. The absence of a legislative framework creates an ambiguous environment that presents our enemies with opportunities to exploit our weakened defenses.

Nearly 2 weeks later, these provisions are still surrounded with uncertainty, as the House has failed to act on the bipartisan legislation put forth by the Senate. The information that has been lost in the last weeks is lost forever. We will never know what happened and, hopefully, we will never learn what we missed during this time the hard way. If we think the enemy is not watching the actions of Congress, we are simply fooling ourselves. Simply put, this is too critical an issue to be playing politics.

We are only hurting ourselves and insulting the men and women of our military and intelligence community who risk their lives every day while gathering and acquiring certain intelligence data, if we are going to waste their efforts by bogging down the collection of critical information. We know full well we must do a better job of connecting the dots in our enemies' communications, and the challenge is only increased with the Internet, cell phones, and other forms of communication. We don't need to unnecessarily place Americans in greater danger. To needlessly fail to detect a terrorist plot

is one of the most egregious disservices that our Government could commit. The fact is, we are not on the same playing field as our enemies. As Americans, we have higher standards. We abide by laws and protocols which our enemies do not follow.

Protecting the civil liberties of Americans has always been one of the cornerstones of our democracy. However, a balance must be struck between protecting civil liberties and protecting our citizens from foreign threats. I believe this balance has been struck through the Senate bill. The legislation strikes this necessary balance. In changing times, revision of our surveillance laws needs to occur.

In the time between the court ruling requiring the Government to obtain FISA Court orders for foreign surveillance and passage of the Protect America Act, collection of foreign intelligence information decreased by 66 percent. We cannot ignore that fact. We are not making our Nation safer if our intelligence-gathering capabilities are functioning at one-third of their capacity. As such, Congress addressed these concerns through the Protect America Act. But now we have essentially taken a step back, and that is inexcusable.

As it stands today, there currently exists a legal uncertainty for the telecommunications companies assisting us in this critical task of gathering intelligence. This simply makes it more difficult to collect the vital information needed to keep Americans safe. I cannot emphasize enough how paramount it is to have the assistance of private telecommunications carriers to carry out intelligence gathering.

The Senate bill provides protective immunity to those carriers whose cooperation will be needed in the future. It also provides retroactive immunity to private carriers from civil lawsuits arising out of their alleged cooperation with the National Security Agency in their terrorist surveillance program between September 1, 2001, and January 17, 2007. Also, this immunity does not extend to Government officials or to any criminal proceedings that may arise in the future out of the terrorist surveillance program.

Thus far the House version does not offer immunity to the telecommunications companies. I hate to even allude to the fact that failure to offer this immunity stands to benefit only two groups—terrorists who exploit our system and trial lawyers who file class action suits—but I feel I must.

Mr. President, the U.S. Government owes these patriotic companies and their executives protections based on the good-faith effort they made in working with our intelligence community, assisting in their efforts to discover and thwart attacks against our Nation. The Senate Intelligence committee found and stated in its report that, without retroactive immunity, the private sector might be unwilling to cooperate with lawful Government

requests in the future, resulting in what the committee calls “a possible reduction in intelligence.” This is simply unacceptable for the safety of our Nation.

Because the companies stepped up to help their country in a time of war, they have been the subject of over 40 lawsuits, and counting. It doesn't take an accountant to realize these claims and the litigation involved could end up costing hundreds of billions of dollars. These companies could end up in bankruptcy, and the trial lawyers will continue to get richer.

The bottom line is the FISA temporary provisions need to be reauthorized as soon as possible. The temporary provisions expired on February 16, almost 2 weeks ago, and since then leaders in the intelligence community have stated that we have lost important information as a result of Congress's failure to act. It is unacceptable and irresponsible to ignore the needs of our intelligence community at this stage of the legislative process. The House owes it to America to accept the Senate bill or expeditiously work out changes in a conference so we can provide the protection the American people deserve and demand.

I see my colleague from the State of New Mexico is prepared to make his comments. I publicly thank him for his service over the years. He is a great leader. I appreciate what he has done for America.

I yield the floor.

#### ENERGY

Mr. DOMENICI. Mr. President, I have come to the floor to speak about our Nation's growing reliance on foreign oil, and to outline many of the ideas that can help reduce that dependence.

Ten years ago, I gave a speech at Harvard University entitled, “A New Nuclear Paradigm.” Its purpose was twofold: to shine a light on the substantial benefits of advancing nuclear power, and to outline specific policy initiatives needed for a nuclear renaissance in the United States. At the time, I stated that it was “extraordinarily difficult to conduct a debate on nuclear issues.” After all, it appeared that America had given up on nuclear power.

In my speech, I observed that an open discussion of nuclear energy issues produced only “nasty political fallout.” A lingering worry lay deep within me that as such critical issues retreated into the halls of the academy, rather than the Halls of Congress, we risked losing an opportunity to have a serious debate. Had that come to pass, the United States would have missed out on the vital contribution that nuclear energy offers to our national security, economic strength, and foreign policy objectives.

My remarks came in the midst of a stretch when nuclear energy was largely dismissed. Between 1978 and 2007, not a single application was filed for a new nuclear plant to be constructed in the United States. Internationally, the story was much different. During that same period of time, more than 250 nu-

clear reactors were brought on-line around the world. And, as President Carter took our Nation down the short sighted path of a once-through nuclear fuel cycle, Europe and Japan wisely chose to proceed with their reprocessing and plutonium-use programs. The poor decisions made here stood in stark contrast to those made abroad. Nations that chose to pursue nuclear power became more competitive in the global economy, and America's long-standing edge in innovation began to slip.

In the decade since my address at Harvard, we have changed the face of the debate on nuclear energy. We did this by ensuring that it was framed in the context of how to advance nuclear energy, not whether we should. It is now clear to serious thinkers that advancing nuclear power is essential to providing clean, safe, affordable, and reliable electricity. And, it should be equally clear that the advancement of nuclear power is the essential tool in confronting the challenge of global climate change.

The clearest evidence of this shift in thinking came with the passage of the Energy Policy Act of 2005, which included loan guarantees, tax incentives, risk insurance, and an extension of the Price-Anderson Act. All of these policies are important for the development of nuclear power. And to this day, the signing of that important legislation, in my home State of New Mexico, remains a watershed moment in America's nuclear renaissance. In the 30 months that have passed since the bill was signed into law, we have seen the planning stages begin for 33 new nuclear reactors in the United States. I was thrilled to take part in an event last fall celebrating the first operating license application in decades. Since then, six more applications for new nuclear reactors have been filed with the Nuclear Regulatory Commission.

To put the importance of these achievements in their proper perspective, one must appreciate the enormous global benefits of a nuclear renaissance in this country. Consider that today, there are 104 nuclear reactors in service around the Nation. Together, they displace the same amount of carbon dioxide as is emitted by nearly every passenger car on the road in America. A future for nuclear power in this country will truly mean a brighter tomorrow.

The Energy Policy Act of 2005 has already had a positive impact on the advancement of other energy resources as well. The Federal Government has now approved seven new Liquefied Natural Gas terminals, which could bring an additional 15.1 billion cubic feet of natural gas to the U.S. marketplace. As a result of that bill, enough wind-power has been brought on-line to power 2½ million homes. Along with much-needed electricity capacity, this new wind production has generated \$16 billion in economic activity, created new green jobs across the country, and displaced 16 billion tons of carbon dioxide.

The Energy Policy Act of 2005 also included the first-ever ethanol man-

date, a small but important step toward reducing our dependence on foreign oil. This standard has been so successful that since the bill's passage, 77 new ethanol plants have broken ground across the country. Last December, we voted to substantially expand this standard to continue to revitalize rural America and provide our Nation with home-grown energy.

In the years ahead, the benefits of this act will be even more apparent. Renewable fuel usage will increase. The decline in domestic oil production will slow. And if the 33 nuclear reactors now being planned are built, they will generate enough electricity to power 28 million American homes.

In the following year, 2006, Congress picked up where it left off and passed the Gulf of Mexico Energy Security Act. Staring down a more than two decades-old moratorium that prevented the discovery of our Nation's deep sea resources—we acted. By lifting a ban in the Gulf of Mexico, we allowed for the production of American resources in an area that covers more than 8 million acres.

This bill is already attracting great interest, and investment, in America's ocean energy resources. An estimated 1.26 billion barrels of oil and 5.8 trillion cubic feet of natural gas were made available as a result of the decision to open this area. That is enough natural gas to heat and cool nearly 6 million homes for 15 years.

The 2006 bill is also delivering significant revenues to the Treasury. Last October, the Department of the Interior conducted a lease sale in the central Gulf of Mexico, part of the area covered by the new law. That sale attracted \$2.9 billion in high bids, the second highest total in U.S. leasing history.

More important than the resources made available, and the revenues brought in, were changes to the prevailing mindset—that it is acceptable to lock up American resources as both foreign dependence and the costs of essential goods and services continue to rise. We must continue fighting against that type of outdated thinking.

Last December, after 12 full months of debate, Congress again responded to America's energy and environmental challenges by calling for greater efficiencies, a stronger energy supply, and a cleaner environment. With the enactment of the Energy Independence and Security Act of 2007, we will see a 40-percent increase in fuel economy by 2020, a savings of several billion barrels of oil, and 36 billion gallons of biofuels introduced into our fuel mix by 2022. As a result of this new law, energy usage in Federal buildings will be reduced by 30 percent, and 6 billion tons of carbon dioxide will be displaced by 2030.

I begin with these examples to prove that progress on energy policy is not only possible—but that it has, in fact, become something of a pattern. While

conventional wisdom holds that Washington has been asleep in meeting our energy challenges, those of us in Congress have agreed on three pieces of landmark, bipartisan energy legislation in the past three years.

Despite this progress, the energy debate should, and must, continue. Today more than ever, policymakers are faced with a daunting task: how to meet America's growing energy needs efficiently, affordably, and responsibly. Congress's recent achievements have been years in the making. They are steps in the right direction. But in many ways, they are overshadowed by the enormity of the challenges that remain.

Americans now spend hundreds of billions of dollars to import oil each year. Over the course of decades, these billions will become trillions. A tremendous amount of American wealth, accumulated over generations, is being transferred to nations that are rich with oil. We are trading our American capital—a resource that can grow and multiply—for Middle East oil, a volatile and finite commodity. Just as oil and gas wells bore into the surface of the Earth, so too has the stable foundation of the American economy been penetrated by those who sell us the energy that we cannot, or will not, produce for ourselves.

Consider our current situation. In 2005, the United States consumed roughly 7.6 billion barrels of oil. More than 60 percent of this supply came from abroad, and it came at a cost of \$230 billion. It is too early to calculate how much money we will send overseas this year, but at our current pace, this number could surpass \$400 billion.

To put those numbers in perspective, it would cost less—\$188 billion—to repair every structurally deficient bridge in America and \$230 billion per year is more than enough to provide health care, not only for every American child but for every American. It is eight times more than the United States distributed in Federal foreign aid in 2005, and enough to reduce that year's Federal deficit by nearly three-quarters. In the wake of the devastation wrought by Hurricanes Katrina and Rita, \$230 billion would have been enough to completely rebuild the gulf coast. And, \$230 billion is well beyond the cost of the economic growth package that the Congress just passed to get our Nation's economy back on track.

With high prices, growing consumption, and decreasing production here at home, the amount of money Americans spend to import oil is set to accelerate dramatically. If oil prices remain high over the next 25 years—and there is little reason to believe that they will not—the Energy Information Administration projects that our reliance on foreign oil will cost as much as \$8.5 trillion, even without taking inflation into account. This calculation assumes \$89 trillion to be the average price of oil through 2030, a price that we surpassed for much of 2007 and nearly all of this year so far.

Here is one thing we can all agree on: \$8.5 trillion is a staggering sum, especially when compared to spending on oil imports for the previous 25-year period. According to the EIA, we spent a total of \$1.6 trillion to import oil from 1980 to 2004. This bears repeating: \$1.6 trillion over the past 25 years, \$8.5 trillion over the next 25 years, more than \$10 trillion in half a century. These figures reveal America's dependence on imported oil for what it is—a great and growing burden that will require sustained action to resolve.

The dire consequences of this arrangement are already becoming evident. In the future, they will be felt even more acutely—rippling through our economy, decreasing household income, and siphoning away jobs. Left unchecked, this dependence will threaten our prosperity and our way of life. It has the potential to make us poor.

Unfortunately, these costs are merely the tip of the iceberg. No discussion of oil imports is complete without an examination of the broader implications for our economy, our national security, and our relationship with the rest of the world. The figures I have quoted account only for the transaction price that our refiners and marketers will pay to acquire oil from foreign countries. These costs reflect one, but not all, of the many consequences associated with our reliance on imported oil.

A good place to start is by looking at our economy, a main focus of the Presidential primary races, because oil imports will have a significant impact on its continued vitality. It is testament to the strength of our economy that high oil prices alone have not already thrust our country into a recession. As many experts have noted, our economic energy intensity has improved greatly over the past few decades. Energy consumption has leveled off on a per capita basis, and energy spending as a percentage of GDP dropped significantly between the 1970s and early 21st century.

Many now consider our economy less vulnerable to the price of oil, no matter the cost of each barrel. To be sure, some progress has been made. But the economy is certainly not immune to expensive crude, and we cannot ignore historical precedent, which has established a trend of economic downturn in the wake of high oil prices.

In 2001, the EIA reported that there have been “observable, and dramatic changes in GDP growth as the world oil price has undergone dramatic change. The price shocks of 1973–74, the late 1970s/early 1980s, and early 1990s were all followed by recessions . . .” Our present experience has been a gradual and sustained increase in prices, not a price shock. And yet the lesson here is the same: an economy so dependent on such a volatile commodity can only be so strong. As we continue to export capital in order to import oil, and as oil-exporting nations grow more com-

petitive as a result, it will become increasingly difficult for our country's resilience to endure.

I will mark this, as per my request, and I will continue tomorrow with the second part.

I will stop at this point, yield the floor, and I thank the Chair.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

#### FORECLOSURE PREVENTION ACT OF 2008

Mr. SCHUMER. Mr. President, I have two topics to address, the first on the bill that Senator GRASSLEY and I have on HGH, to keep it out of the hands of people who don't need it, but I will wait a few minutes on that. We are hoping that maybe we can get clearance on the other side of the aisle. I have talked to both of these Senators who have objections, but I will talk about housing first.

We are now on our housing stimulus bill. It is called the Foreclosure Prevention Act of 2008. It was offered by Senator REID, but Senator REID had consulted, of course, with all of the relevant committee chairmen—Senator DODD, chairman of the Banking Committee; I am chairman of the Subcommittee on Housing of the Banking Committee; Senator BAUCUS on the Finance Committee; Senator LEAHY on the Judiciary Committee—and this is a carefully thought-out, modest, balanced package that aims at the bull's eye of our economic crisis, which is housing.

Make no mistake about it, unless we address the housing crisis, we are not going to be able to clear up this economy. In fact, unfortunately, the inverse is true. If we don't address the housing crisis, the likelihood of this economy plummeting into a rather deep recession is large. So there is an urgency to addressing this housing crisis.

The voluntary measures President Bush has supported, that Secretary Paulson—a man I have great respect for—has tried to put together, have not worked. That is a general and broad consensus, that it has not worked at all. The need to do something is greater than ever. Over 2 million people are likely to have their homes foreclosed upon in the next few years. That, of course, damages them greatly, but it also damages the financial institutions that hold the mortgages, estimated at each foreclosure to cost the mortgagor, or mortgagee, the financial institution, over \$60,000.

It hurts the people who live around them. Because what has been shown is that if there is a foreclosure within one-tenth mile of your home, your housing value goes down about .8 percent. And it hurts the overall economy,

because when people are not in their homes, or even people who are in their homes and who have fully paid their mortgage but they find their housing values declining, they spend less. The housing crisis is directly related to the fact that this Christmas season was the lowest spending Christmas season in about 7 years.

Then we have another problem also emanating from the housing crisis, and that is the credit crunch. We have a severe credit crunch occurring in our country today. All kinds of financial instruments are not being bought and sold. They do not have a market and there is a freeze. People are afraid to move. As a result of this credit crunch, our markets are frozen.

The Port Authority of New York, one of the most stable institutions in this country—it owns the airports, it owns a lot of the bridges—gets a steady, regular stream of income. No one believes it is ever not going to pay its bonds. Yet it had to pay 20 percent on temporary bonds because the markets are so frozen.

I heard from my roommate in that little house we live in, GEORGE MILLER of California, that the East Bay has a similar authority, and the East Bay of San Francisco had to pay about 17 or 18 percent. So this is a nationwide problem.

We have problems with student loans now. I read in today's paper that the Pennsylvania Student Loan Authority is no longer lending. So this is spreading way beyond housing, and it relates to a fear that we have not evaluated credit properly.

We have to do something about it. The package that has been put together and offered by the Democratic majority has five pieces—five easy pieces—that should be acceptable to everybody.

It includes two kinds of tax changes: raising the cap on mortgage revenue bonds, so that States can issue more of these bonds and help homeowners get refinanced; and it also includes what is called the loss carryforward, so home builders and others in the housing area, who are not able to actually go forward because they have losses, carry forward those losses and build homes again.

It also contains another \$200 million for mortgage counselors. This is a provision I originated with Senator CASEY and Senator BROWN, because we need someone on the ground to help those about to go in foreclosure to avoid it, particularly those who have the financial means to do it. Over 60 percent of the people who will potentially be foreclosed upon have that ability. We did allocate \$180 million in the omnibus bill, with Senator MURRAY's leadership. We went to her, and she was great, and put it right in. But of that 180, 130 has already been spent. It shows you the great need. We always predicted 180 wouldn't be enough. This is another modest amount—200.

The fourth provision is money for CDBG, Community Development Block

Grants, to go to the cities so they can buy foreclosed homes, they can buy vacant lots, and prevent the whole neighborhood from going down the drain because of the foreclosure crisis.

And, finally, the bankruptcy provision which my friend and colleague Senator DURBIN has authored, which I support, would say that homeowners, when they go into bankruptcy, can use their primary residence as part of the workout, which now, for some arcane reason, they are not allowed to do.

These are five modest provisions that can do a lot. But, unfortunately, there are some on the other side, including the White House, who are sticking to the status quo. They say, don't do anything. The Government should not be involved. They have ideological handcuffs on. The Government not being involved? That is reminiscent of the 1920s or the 1890s. It sounds like William McKinley or Herbert Hoover. That is no longer the economics the vast majority of Americans live by today. No Government involvement when someone's house is about to be foreclosed upon?

Earlier this week we saw status quo on the war in Iraq. Now we are beginning to see status quo on the mortgage crisis. The American people are crying out for change on the war in Iraq and on housing. And it is so regrettable that so many of my colleagues on the other side of the aisle, and it is so regrettable that the President, ensconced in the White House, is talking status quo when 75 percent of the people in America want a change in the direction in this country.

We can certainly debate that change. There are different prescriptions for it. But almost no one says status quo except, it seems, the minority in this body, the minority in the other body, and the President: The status quo, do not have the Government be involved, have these voluntary programs which do virtually nothing.

It is not going to work. So I would urge my colleagues to support us in this housing program. Senator REID has said he will allow amendments if we have changes in the housing program. I am not talking about whether we should debate the estate tax or debate Bush's tax cuts but real changes in these programs, modifications or additions. I heard my colleague from Georgia, Senator ISAKSON, who has a proposal for a \$5,000 credit for new home buyers. That is something that I would look at seriously. We can come together and have what unfortunately now has become a good, old-fashioned debate on this issue that affects us and come up with a consensus piece of legislation.

So, please, do not block the bill. Do not stand there with your arms crossed and say: Do nothing. There are 2 million homeowners about to go into foreclosure. There are 50 million homeowners whose home values are declining. There are 300 million Americans who see the economy hurdling south,

all of them crying out for us to do something.

The one thing on which there is a consensus, and there may be a broad consensus on what to do, that although I think there may be in our bill, but the one thing everyone agrees on is do not just stand there and do nothing. Yet my colleagues across the aisle, when we vote on this housing measure, who will try to block it with another filibuster, they are saying: Do nothing.

I don't think that is wise policy. Frankly, I don't think that is wise politics. I am sort of surprised because when we offered the package, we did it in the best of faith. And Senator REID has offered to allow amendments that are germane amendments to be debated to show that we do not want to say our way or the highway, but we did want to move forward on housing.

To repeat, the need to do something is real. Housing is the bull's eye of our economic problems. We can do things that almost everyone agrees will do some good. To my colleagues on the other side of the aisle, please, please, please, join us. We want to work with you and come up with a package that will turn our economy around, and the housing market and the other markets as well.

I am going to briefly ask to put us into a quorum call so I can discuss with some of the folks on the other side of the aisle whether we can move forward on the HGH bill.

Mr. GRAHAM. Would the Senator yield?

Mr. SCHUMER. I will yield.

Mr. GRAHAM. I would request to be able to speak for 10 minutes and then go into a quorum call, if that is OK.

Mr. SCHUMER. I do not have a problem with that. I will come back to the floor. I ask unanimous consent that the Senator from South Carolina be allowed to speak for 10 minutes, then we will come back and try to handle the HGH bill.

Mr. GRAHAM. I thank the Senator.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. GRAHAM. I appreciate the ability to speak. And I wanted to talk about the pending business before the Senate, the bill by Senator FEINGOLD, with 30 hours of debate about whether we should have a requirement for different agencies to report back to the Congress about where al-Qaida exists and how to defeat them and how to deploy our forces to defeat them.

I would argue that you do not have to be a military expert to understand where al-Qaida exists. They exist in all corners of the globe. Their goal is to prey on poverty, to take smart people and convert them to their cause. And how do we beat them? Fight them. Understand what they are up to so we can hit them before they hit us.

And whatever problems we have with coming together over domestic problems and domestic agenda items, it is important that we try to find common ground to deal with the problems facing the country domestically, but surely we can come together to authorize



an intelligence tool called FISA to make sure we understand where al-Qaida is, what they are up to, and what their plans are vis-a-vis the United States.

And this body, to its credit, the Senate passed a reauthorization of FISA that I think is a great balance between intelligence needs, tracking an enemy that we are at war with, and making sure that American citizens are protected in terms of their constitutional rights and civil liberties.

This passed 68 to 27 or 28 and went to the House and here we are without a bill. The bill has expired. The FISA legislation that the Congress came up with last year is now expired, and there is a hole in our intelligence-gathering capabilities. So those of us who wanted to find out what the enemy is up to—and I think that is the vast majority of this body—those of us who want to have a balance between civil liberties and being at war with a vicious enemy, we need to push the Congress, particularly our colleagues in the House, to get this FISA legislation reauthorized.

Al-Qaida is in Iraq. They were not there before. That is probably true. They are there now. And the reason they came to Iraq is to make sure we lost. They came to Iraq to make sure this effort of moderation among Muslims in a Muslim country fails. It is their worst nightmare for a Muslim nation such as Iraq to come together and align themselves with the West, coalition forces, adopt democratic principles, allow a mother to have a say about the future of her child, and to live under the rule of law and not the rule of the gun, and to accept religious differences. That is al-Qaida's worst nightmare.

The reason they were not there under Saddam Hussein's regime is he was not the problem to them. You know, dictatorships are very nonthreatening to al-Qaida. Saudi Arabia has been a problem because Saudi Arabia has aligned itself with the West at times and allowed American troops to operate out of Saudi Arabia, such as when Saddam Hussein attacked its neighbor, Kuwait. So al-Qaida has gone after Saudi Arabia.

But they were indifferent to Iraq because Saddam Hussein vowed to destroy the State of Israel, it was an oppressive regime, and pretty much not their problem. Al-Qaida's biggest fear, again, is tolerance, moderation, the rule of law, a role for a woman in society, and the ability to worship God in more than one way. That is why they are in Iraq.

And to say they were not there before Saddam Hussein and think that is a clever answer to our problems and the justification to withdraw misses the point and shows a lack of understanding of why they chose to go to Iraq.

Why do the Taliban fight in Afghanistan? They would like power back. Why are we fighting them? To make sure they do not get power back. So if you

really want to defeat al-Qaida and come up with a strategy to make sure they are diminished and defeated, do not leave Iraq before the job is done.

The greatest news of all from the surge is not the stunning political progress that has exceeded all of my expectations, it is not the economic vitality that is coming back to Iraq, not the reductions in casualties, not the reduction in sectarian deaths, the big picture, the big story line from the surge in Iraq is that Muslims aligned themselves with coalition forces to make sure that al-Qaida would be defeated in Iraq.

Sunnis in the Anbar province that were at this time last year very much living in fear of al-Qaida decided to take matters into their own hands, align themselves with us. And due to additional combat power and capability, we were able, along with the Sunni Arabs in Anbar province, to deal al-Qaida a devastating blow.

They have left Anbar for the most part. They are diminished in Anbar, still not completely defeated. And they are moving north. And we are right after them. They are up in the Mosul region. If we are patient and we are persistent and we keep the troop levels we need to keep them, along with the Iraqi security forces that have grown by 100,000 since last year, we will crush them. We will capture or kill them in large numbers as we have done over the past year.

The answer to the question of this legislation by Senator FEINGOLD: What do we do to defeat al-Qaida? We align ourselves with people in the region and throughout the world who will help us fight them. We do not leave them hanging. We do not withdraw because of the politics of the next election. We align ourselves with people who are willing to fight al-Qaida over there so we do not have to fight them here. And we do not withdraw in a way that would allow al-Qaida to get back off the mat, back into the fight. The first thing they would do is go to the moderates who have helped us and try to kill them.

So this whole idea of leaving Iraq because we need to fight al-Qaida is absurd. We need to fight al-Qaida wherever we find al-Qaida. And they are now in Iraq because they know this experiment in democratic principles and moderation that is going on in Iraq is a death blow to their agenda.

So if you want to defeat them, make sure Iraq succeeds. Their biggest nightmare, again, is a tolerant, moderate form of government in the Mideast. Iraq could be an ally to this country for years to come. It could be a place that denies al-Qaida a safe haven, that rejects Iranian expansion. The payoffs of winning in Iraq to our national security interests are enormous.

The question as to whether Iraq is part of a global struggle or a mere side adventure, I would give you some guidance there from Osama bin Laden himself. December 2004:

I now address my speech to the whole Islamic Nation. Listen and understand. The most important and serious issue today for the world is this Third World War. It is raging in the land of Two Rivers. The world's milestone and pillar is Baghdad, the Capitol of the caliphate.

This is Osama bin Laden telling his would-be followers where to go and what to do. The Third World War he talks about raging is raging in Iraq. That is why he wants us to fail in Iraq because he would like to be able to have a place from which to operate in Iraq to perpetuate his agenda.

He understands very clearly if we are successful in Iraq, if the Iraqi people themselves are successful, it is dealing al-Qaida a great blow. So the good news from the surge is that after having tasted al-Qaida life in Anbar province, the people of Anbar said: No, thank you. They are now taking their fate in their own hands with our help. And the idea of withdrawing from Iraq as some way to better fight al-Qaida is absurd, naive, and dangerous. The way you beat al-Qaida is align yourself with people like we found in Iraq. You help them help themselves, and you make sure that when Iraq is said and done in terms of battle and a greater struggle that we have won and al-Qaida has lost.

To leave prematurely would put this enemy back into the fight. I cannot think of anything more heartening to al-Qaida operatives throughout the world than to hear that the Congress of the United States is going to precipitously withdraw from Iraq, giving them hope where they have none now. They know they cannot win in Baghdad, Mosul, Fallujah, Basra. They understand that. It is very demoralizing to them right now. The only place they are holding out hope is here in Washington. Can they do something spectacular to create a headline throughout the world that would break the will of the American Congress to stand behind the Iraqi people, who are stepping to the plate and making not only Iraq safer but the United States safer? I hope the answer is no.

I hope we will not let terrorists, murderers, some of the worst forces known to mankind in the form of al-Qaida dictate foreign policy in the United States because they are willing to murder and kill the innocent to break our will.

I hope we are smart enough to reauthorize FISA because this hole in our intelligence-gathering capability is incredibly dangerous. Everybody acknowledges that we live in a dangerous time. Well, do something about it, reauthorize FISA now before we pay a heavy price.

As to those who think we can leave Iraq, and it is going to make things better with al-Qaida, I do not think you understand what al-Qaida is after.

I do hope that the Congress will come together and reauthorize FISA in a way to make us safe. I hope we will understand that the outcome in Iraq is not yet guaranteed, but we are on the right path. Let's don't do anything



here in Washington because of the next election that will haunt this country for decades. Let's not put every moderate force at risk in the Middle East by pulling the plug in Iraq and undercutting General Petraeus. This man and those who serve with him deserve our respect, our gratitude and, more than anything else, our support.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I ask unanimous consent that Senator SCHUMER be recognized for 5 minutes; followed by Senator TESTER for 5 minutes; and then Senator MCCASKILL for 5 minutes; she wanted an opportunity to speak; and then I be given the remaining 15 minutes. That consumes the half hour between now and 2 o'clock.

Mr. SCHUMER. Will my colleague yield?

Mr. DURBIN. I am happy to.

Mr. SCHUMER. I think I might need 7 minutes.

Mr. DURBIN. Senator SCHUMER for 7 minutes.

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

The Senator from New York.

HGH

Mr. SCHUMER. Mr. President, I rise in support of a very straightforward bill that will keep the dangerous human growth hormone, now known throughout the Nation as HGH, out of the hands of people who don't need it and toughen penalties on those who sell it illegally.

First, I thank my friend from Iowa, Senator GRASSLEY, for joining me in recognizing the importance of this issue. I also commend the district attorney in Albany, David Soares, for his hard work in uncovering a major multi-State HGH ring last year and helping to bring this issue the recognition it requires.

I was going to come to the floor originally and ask unanimous consent to move the bill because it had been blocked. A hold had been put on by my some of my colleagues on the other side of the aisle. I have now come to an understanding as to whom the people are, the two. Each of them has said they want to work with us to try and get the bill moving by early next week. So I will not ask unanimous consent. I know it doesn't move the clock forward, which I would like to do in hopes that we can come to a negotiation and get this bill passed early next week.

There is widespread support for this legislation, people such as Major League Baseball, the NFL, the U.S. Olympic Committee, the U.S. Anti-Doping Agency, the Partnership for a Drug-Free America. This bill is good for every parent, every coach, and every young athlete who cares about kicking drugs out of sports for good. The widespread growth of human growth hormone in Major League Baseball has put a cloud over our national pastime. But if there is a silver lining in that cloud, it is the opportunity that

recent scandals have presented to do something positive about the problem. "Dangerous opportunity," the Chinese say, and that is true in this case. That is what our bill does, change danger into opportunity. Change danger into something good, getting rid of HGH for those who should not have it.

No one disputes that HGH has some important medical uses—adults with AIDS, children with serious kidney disease can benefit from small, carefully administered doses of HGH. But in the wrong hands, HGH can lead to serious problems. Some of the worst side effects include cancer, heart disease, gigantism, impotence, menstrual problems, and arthritis.

As we remember, last year, former Senate majority leader George Mitchell did an excellent report on the use of drugs in professional baseball. One of the main themes was about the widespread abuse of HGH. The report says that because HGH is hard to detect through testing, it is very attractive to athletes. Kids look up to their heroes. They model their behavior after them. They want to be just like them. According to a Columbia University study cited in the report, athletes are second only to parents in the extent to which they are admired by children. So if a sports star says it is OK to illegally take steroids, HGH, or other performance drugs, it is almost certain children will follow. We have to make sure dangerous substances can only get to the small number of people who need them.

That is exactly what the bill Senator GRASSLEY and I have put together does. It adds HGH to the list of schedule III controlled substances, placing it alongside anabolic steroids in the eyes of the law. Congress did a similar thing with andro, another potentially dangerous performance enhancer in 2004. Adding a substance to schedule III creates a formal recognition that even though a drug has some medical use, it may lead to dependence. HGH fits this bill. Right now it is only illegal to distribute HGH to a person where there is no medical need for the person to get it. Adding HGH to schedule III adds in illegal manufacture and possession, along on with other serious crimes to the list. Penalties will be tougher. Someone could face up to 10 years in jail and serious fines for breaking the law. Most importantly, schedule III drugs must be regulated closely. This means that all legitimate manufacturers, distributors, and practitioners would have to register with the DEA. They would have to keep data and records on how they make, sell, and dispose of the drug.

HGH needs to be placed alongside other serious substances like it. One more youngster who starts using HGH and other performance-enhancing drugs is one too many. I welcome a debate with anyone who might want to disagree with that point. I hope we can come to agreement and pass by unanimous consent this important legislation.

I yield the floor.

The PRESIDING OFFICER (Mr. SALAZAR). The Senator from Montana.

120TH FIGHTER WING, MONTANA AIR NATIONAL GUARD

Mr. TESTER. Mr. President, I rise today to recognize the brave men and women of the 120th Fighter Wing of the Montana Air National Guard. The 175 members of the unit will be deployed to the 332d Air Expeditionary Wing for 60 days, joining 50 of their brothers-in-arms already operating out of Balad Airbase, just north of Baghdad.

These airmen will join nearly 200 or so members of nearby Malmstrom Air Force Base's Red Horse Squadron in Iraq.

All together, nearly 500 airmen and Army Reserve component soldiers based in Montana are now serving in Iraq. Our State is small in population, but our sacrifice is significant.

The 120th Fighter Wing has a storied history in Great Falls, MT—a city chosen for its 300 good flying days a year and outstanding training airspace. During World War II, the 120th was tasked with flying aircraft to the eastern front to fight the Nazis. Over 60 years ago, two A-20 light bombers took off in order to help our allies fend off Operation Barbarossa, the German effort to take over Eastern Europe.

As members of the 332d, they will join with their colleagues from the Wisconsin and Iowa Air Guards to provide close air support missions.

As the pilots of the 120th Fighter Wing will tell you, it takes a core of dedicated maintainers to keep the squadron in the air. Keeping our F-16s flying in the harsh desert environment is a tough task, but the men and women of the 120th are up to the challenge.

It has been reported that the U.S. military conducted five times as many airstrikes in Iraq in 2007 as it did in 2006. This clearly underscores the fact that the Air Force is a vital part of the mission in Iraq.

I have no doubt that the members of the 120th Fighter Wing will be an excellent addition to the forces in Balad during their rotation.

I want each of them to know they have the support of every Montanan. We honor their sacrifice, especially those on their second, third, or even fourth tours. We pray for their safety and take great pride in knowing that the men and women of Montana's Air Guard are serving us proudly.

And when the 120th comes home, it is vitally important that our Nation keep its promise to them by providing all the resources that they need for job training, medical care, mental health counseling, family counseling, or any other services that they need to return successfully to civilian life.

I am fully committed to making sure that every member of the Armed Forces has these resources available to them when they return or if they are currently here.

I wish to address the debate on the Feingold amendment. When I was sitting in the chair, I heard several Members talk about the war in Iraq. We need a change of course in Iraq. We need to get our folks home, make no mistake about it. Things are not glorious in Iraq right now. It is true violence is subsiding some. It is true some of the folks who were shooting at us are now on our side, pushing al-Qaida out of the country. That is a good thing.

The fact is, Iraqis want their country back. We need to join with them as allies, but they need to be the major offensive standing alone in the world. It is no longer a coalition fight. Everybody else has pulled out. We need to support Iraq. We need to continue our war on terror wherever it is in the world. But the fact that we are spending so much resources in Iraq puts our fight on terror around the world at risk.

The debate has been good, but I look forward to changing the course in Iraq so we can start focusing on issues other than Iraq, the issues that revolve around our economy. Kids can't get loans to go to college because economic forces out there have decreased the ability of lending institutions, as well as the fact that people are potentially losing their homes and probably are losing their homes as we speak. There is a lot of big issues, infrastructure, highways, bridges, water systems that are worn out that we need to start addressing. Quite frankly, I am concerned this country cannot afford to address any of those kind of things with our current conditions.

I yield the floor.

The PRESIDING OFFICER. The assistant majority leader.

#### HOUSING STIMULUS

Mr. DURBIN. Mr. President, later this afternoon the Senate will have an opportunity to vote on a procedural motion, a cloture motion, to end debate and to move to another issue. The issue we want to move to is the housing stimulus package. We are expecting resistance from the Republican side of the aisle. They don't want to debate the housing issue facing America. That is a serious mistake. I hope enough Republican Senators will step forward and join us to initiate this debate about housing in America. Our economy is in trouble. It is struggling. The first indication we had was in the housing market. We know we passed a stimulus bill recently, a bipartisan bill which the President signed. It is going to be a good bill, I hope, to help families across my State and across the Nation. But we all know intuitively that until the housing market gets well, our economy is not going to get well.

The housing market is very sick today. Last Friday, Moody's Economy.com reported that 1 out of 10 homeowners in America are holding mortgages on homes where their debt is larger than the value of their home; 8.8 million homes in America are so-

called underwater, as they say. That is the greatest percentage of homes in such a state since the Great Depression. Goldman Sachs estimates that by the end of 2008, as many as 15 million homes will be in that situation, almost double the number we know today. The Center for Responsible Lending estimates 2 and a quarter million homes may be lost to foreclosure in the next couple of years. Fitch Ratings has recently estimated that for subprime loans originated in the years 2006 and 2007, 50 percent of them could end up in foreclosure.

But the crisis goes beyond the families who have their mortgages foreclosed. Forty million American families who are currently making their mortgage payments, through no fault of their own, will see the value of their homes go down because of this housing crisis. Why? Because the value of your home is based on comparable sales in the neighborhood. When that neighbor 2 blocks over has a distress sale, an auction, because his house is in foreclosure and the house sells for less than fair market value, that is a calculation that affects the value of your home. Make your mortgage payments and still lose value in your home; that is what is happening.

So when we hear from some people that this is a narrow problem for a narrow group of people, trust me, it goes, unfortunately, way beyond. A third of all residences in America will lose value because 2.2 million homes will face foreclosure at rates that we have not seen since the Great Depression.

When the President was asked today in his press conference what should we do about this, he said: Let's sit tight. We just passed one stimulus bill. The checks are going to go out in May or June. Let's wait and see what happens.

It is that kind of bold, innovative attitude that led Herbert Hoover to do nothing in the Great Depression and for the situation to go from bad to worse.

This housing crisis is our wake-up call. If we do not rally on a bipartisan basis and do something about it, the economy is going to get worse. I do not say that with any sense of pride—just disappointment. My home is going to go down in value, too, in Springfield, IL. That is a fact. Though my wife and I make our mortgage payments, we are facing that reality.

So we have to do something about this. In Illinois, the fourth worst hit State in the country, it is estimated that nearly 45,000 homes will be lost to foreclosure and over 2.5 million neighboring homes will see a loss in value. Our State will see \$15 billion lost in housing values, and as property values go down, property tax receipts go down. That means that your city, your county, trying to raise money for schools, for police protection, is going to have less money coming in.

We should have seen this coming. I was on this floor sitting back there in the corner as a relatively new Member

in 2001 when we considered the bankruptcy bill. I wanted to put in a provision, and here is what it said: If you are a lending institution and you are guilty of predatory practices—those are illegal practices, where you mislead people into debt—you will be limited, if not precluded, from foreclosing on that home because you do not have clean hands because you were guilty of predatory lending. You cannot take over the home of someone if you tricked them out of their money and tricked them out of their home. I lost. I lost by one vote in the year 2001.

Do you know what I said when I offered this amendment in 2005? And I thought this was a stunning statistic. I said: "1 in 12 subprime predatory loans ends in foreclosure. And I said that is 'an astonishing statistic'—1 out of 12 subprime loans in 2005 ended up in foreclosure. Do you know what the number is today? One out of two. This is because we did not pass the kinds of laws we needed to pass to keep an eye on this industry, these mortgage bankers who are ripping people off.

Have you ever heard these stories in Colorado, in Alaska? Have you talked to these people? A lot of folks would have you believe they are people who are just smoothies, who think: We are going to make a little investment here, we are going to make this payment, and pretty soon we will have a big home, and we will not have to pay for it. Boy, those aren't the stories I am hearing. The stories I am hearing are of people, by and large elderly people, who are dragged into real estate closings, facing a stack of papers 10 times larger than this. The agent turns the pages and say: Keep signing. We will tell you when it is over. And they walk out the door with the understanding that everything is fine. Then they look at the fine print when things go bad. And what happens? There is a reset on their mortgage. The interest rate just went sky high. The monthly payment just went beyond their means.

That is the reality. There are provisions in some of those subprime mortgages where the interest rate can never go down—never—only go up.

I met a poor lady from Peoria, IL, 2 weeks ago, Carol Thomas, who is 70 years old, a widow, whose husband just died. She bought a single-level home because her husband was so sick he could not climb the stairs anymore in their old home. One of these business advisers came to her and said: Mrs. Thomas, what you ought to do is consolidate your debt. You hear that on TV all the time: Consolidate your debt. This poor lady did not know. She said: Fine. They took all her debts and consolidated them into her new home loan. They took a debt she had—a loan she received from her city for siding on her home—that was a zero-percent interest loan—and threw it into the consolidation. She was now paying interest on the zero-percent loan. When did she realize it? When the mortgage reset and her monthly payment went from \$500

to \$900 a month. Four hundred dollars a month may not be a crisis for a Senator or a Congressman; it was a crisis for Carol Thomas. She was about to lose her home, getting the runaround day after day from the mortgage company: Well, don't make the payment this month. Now you are in default. It is a shame you are in default. Maybe you should have made the payment.

She was beside herself. Well, we got it worked out with a couple phone calls. They finally renegotiated the mortgage. But the problem Mrs. Thomas faced is shared by many others. Do you think Carol Thomas in Peoria, IL, thought she was pulling something over on people? Not at all. She thought she was taking good advice. Unfortunately, the advice was bad.

We met a family here. Senator SHERROD BROWN from Ohio and I had a press conference the other day with the Glicken family from Cleveland, OH. Nice folks. John Glicken came in and had his Cleveland Indians jacket on and told his story. The same thing happened to him.

Well, he decided he would try to take advantage of the Bush administration's plan for saving homes, to save his home. So they said: If you want to make an application for a loan modification under one of these new programs, it will cost you \$425 to apply. John did not want to lose his home. He paid the \$425. He was turned down. So not only is he facing foreclosure, he is out \$425 for nothing.

In Ohio, the Center for Responsible Lending conservatively estimates that 85,000 families are at risk of losing their homes and almost 1.4 million families could lose nearly \$3 billion in value in their homes. State after State—Kentucky, Pennsylvania, Iowa, Indiana, Maine, North Carolina—the list goes on and on. In every one of these States, the same stories.

Well, the question is, what are we going to do about it? There is one thing we can do that can make a big difference. We need to change the bankruptcy law. Listen to this: If you are facing bankruptcy but you are not completely out in the cold—you have an income coming in—you go into something called chapter 13. You walk into bankruptcy court, and you say to the judge: I am in trouble. I cannot pay my debts. This is my income. These are my assets. Here are my debts. Is there a possibility we can work out and renegotiate these so I do not lose everything? Chapter 13.

So when you go in there, the judge takes a look at it and says: Well, let's bring in your creditors and sit down and see if we can work out some kind of payment arrangement so you don't lose everything and they don't lose everything through foreclosure.

One of the things they can do is take a look at your mortgages. Do you have a mortgage on a vacation home, a vacation condo, for example? Well, the bankruptcy court can take a look at that mortgage, bring in the creditor,

modify the terms of the mortgage—change the length of the mortgage, for example—even change the amount paid on the mortgage, even change the interest rate on the mortgage. You can do that. You own a farm? Let's take the mortgage on the farm. The bankruptcy court can renegotiate the mortgage on the farm. The same thing with a ranch. But, wait a minute, what about your home? The law prohibits the bankruptcy court from modifying the terms of the mortgage on your primary home. All they can do is foreclose. That is it. Does that make any sense? A home is something that virtually everybody brings into that court. It is the most important asset we ever own, and the mortgage cannot be modified in the bankruptcy court for your home.

This provision of law in our housing stimulus package changes that. But we narrow it very strictly. It only applies if you live in the home. This puts the speculators out of business. We do not want the speculators to benefit from this.

Secondly, you have to qualify to get into bankruptcy court. You don't have any income, can't make it in there? You are not going to get into that court. They do a means test now to get you into bankruptcy court.

Third, it has to not only be an existing mortgage—not prospective, not for those 2 years from now, 3 years from now, but right now—but it has to be one of these subprime mortgages.

Then, what can the court do? The court cannot lower this new modified mortgage below the fair market value of the home. This protects the lender. Lenders are very lucky to get a fair market value out of a home that is sold at auction. But they are protected here. And judges can only reduce interest rates to the prime rate plus a reasonable premium for risk.

All of these things taken into consideration give the court the opportunity to modify the mortgage on your home so you can stay there. It is treated just like a vacation home, just like a farm, just like a ranch.

How many people will be affected by this? About a third of the people facing foreclosure. A third of those people will be eligible for this consideration. I think the good news is this: When we pass this bill, pass this change in the law, it is an incentive for these banks and lenders to sit down before you get into bankruptcy and work out terms that you can live with. That is not happening today. These lending institutions just are not doing that. They will if this provision in the law is included.

Now, who would oppose this? Think long and hard about it. It is a hard question, right? No. It is an obvious question. This change in the bankruptcy law is opposed by the Mortgage Bankers Association. Those same wonderful folks who brought us the subprime mortgage crisis oppose this change to allow people to stay in their homes—the same people.

Have you been listening to the Presidential campaign? I have. I have a colleague from Illinois who is involved in it. You know what it is about. It is about whether the special interests control this Chamber or we operate in the public interest.

Well, this will be a classic showdown when we have this cloture vote, and we need 60 votes to move forward on this housing stimulus package. The Mortgage Bankers Association is trying to stop this bill. They do not want this change in the Bankruptcy Code to give people a chance to stay in their homes, even though it has been narrowed and modified to the point where it is really strict. They do not want this. The same people who created this crisis in America by deceiving and misleading people into mortgages which were totally unfair and totally unrealistic do not want those people to have a chance to stay in their homes even if they can make a mortgage payment.

Well, it will be an interesting outcome. Let's see how this turns out. Let's see if the mortgage bankers are going to win or if the people whose homes are on the line will win this debate. It is just that simple, and it is just that straightforward. What a shame it would be—what an absolute shame it would be, if not scandalous—if at the end of the day the Mortgage Bankers Association, which created this mess in America, ends up winning on the Senate floor. If they do, I can understand the cynicism across this country about how this body works. People have a right to be cynical if at the end of the debate we cannot move to this housing stimulus bill. I think it is important we do.

Now, there is a Senator on the other side who wants to offer an amendment to give the mortgage bankers the last word in the bankruptcy court; in other words, that the mortgage bankers have to give permission before the court can modify the mortgage. Well, what is the point if they are going to have the last word? They have the last word right now. They can renegotiate a mortgage if they want to, but they are not doing it. They are not doing it on a voluntary basis. Unless and until those mortgage bankers know this mortgage can be modified, they are not going to sit down and negotiate.

Well, there is a big argument that comes back from the mortgage bankers: Oh, you know what is going to happen here. If you give a portion of these 600,000 people a chance to stay in their homes, we are just going to raise everybody's interest rate across America.

Well, let me tell you something. That is a vacant threat. The Georgetown University Law Center did a survey and study of this proposed change in the Bankruptcy Code and said it would have zero impact on the cost of credit across America—zero. So they can threaten all they want, but do they have any credibility? Does this industry have any credibility when we look at the mess we are in today?

Four years ago, we were dealing with 1 out of 12 subprime mortgages going belly up. And now half of them? When you hear those stories, State after State, family after family, of the way they were deceived into this situation, when our lack of law and lack of regulation led to this circumstance, does that tell you the mortgage bankers were the victims here? No way. It should be in their best interest to avoid foreclosure.

What happens when a property goes into foreclosure in court? Well, the lending institution spends a fortune in legal fees, and then they may end up with the property when it is all over. Then they have to cut the grass and pick up the newspapers and the mail and make sure the place is presentable, and then try to sell it at an auction, if they can. Most of them cannot, incidentally, now. They are lucky if they get a fair market value out of it. But they want to stick to their rights under the law.

The one part of it that I like the best is when the mortgage bankers come out and say this is about the sanctity of the contract. The sanctity of the contract? Sanctity suggests holiness. If you read any of these contracts I have read and hear the terms of the mortgages these people facing foreclosure had to deal with, there is nothing holy about it. It was an unholy attempt to rip these people off, to put them in homes they could not afford under terms they never understood and then let the market work. This is not about the sanctity of any contract. When that bankruptcy court modifies your vacation condo mortgage, your farm mortgage, your ranch mortgage, they are modifying a contract. What happened to the sanctity of the contract there? That basic standard should apply when it comes to a person's home.

When we get to this bill later today, it will be a procedural motion. We need 60 votes. It will be a face-off between the mortgage banking industry, the people who brought us this subprime mess and those on their side with the Herbert Hoover mentality that says: Don't get involved; let it work out; in a year or two, it will all be behind us—and those who think we ought to stand up to allow people to stay in their homes, giving them a chance in court to modify their mortgage terms so they have a fighting chance to stay in their homes. I think that is a basic American value.

I hope my colleagues in the Senate will come down on the side of those families and on the side of bringing this housing crisis to a resolution in a responsible way.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

REPORT ON TRIP TO THE MIDDLE EAST

Mr. STEVENS. Mr. President, in late November, Senator INOUE and I traveled to the Middle East to assess the security situation there. I want to

share some of the insights from our travels, especially as they relate to Iraq. We visited Tunisia, Iraq, and several other countries. We met with senior U.S. State Department, intelligence, and military leaders regarding U.S. policy in Iraq, in the Middle East, and in Europe.

Our first stop was in Tunisia where we met with U.S. Ambassador Robert Godec and his staff regarding political, economic, and social conditions in Tunisia. Tunisia is a moderate Muslim country which has strongly supported women's rights. The Tunisian economy has averaged 5.6 percent growth each year, with an 80-percent level of home ownership. It is a real democracy. The United States has a close working relationship with Tunisia, including strong military-to-military contacts. Tunisia straddles the Middle East, Europe, and Africa, creating a strong interest in regional security issues, particularly concerning Iraq. During our visit, we had many discussions about the situation in Iraq and the possible impacts on the rest of the region.

We have discussed many of these same issues with the Foreign Affairs Secretary of State Saïda Chtioui and Minister of Defense Kamel Morjane. Tunisia is interested in strengthening the foreign military financing relationship with the United States. We call that FMF.

Before departing Tunisia, Senator INOUE and I presented a wreath at the U.S. North Africa American Cemetery and Memorial in Tunis. There are 2,841 American servicemen who are buried in that cemetery. It was established in 1948 and covers 27 acres. It sits near the site of the ancient Carthaginian city destroyed by the Romans in 146 B.C. and lies over part of the Roman city of Carthage. The cemetery is located in the part of Tunis that was liberated from the Germans by the British 1st Army in May of 1943. We last visited that area with Senator Hollings, who is now retired from the Senate. He made the landing there in World War II. Many of the men who were interred there gave their lives in those landings and in the occupation of Morocco and Algeria, and the subsequent fighting which ultimately liberated Tunisia. Some have seen those scenes in the recent movies that were shown of World War II. Others involved there died as a result of accidents or sickness in North Africa or while serving in the Persian Gulf command in Iran. But I want to tell the Senate it is a very impressive sight and it is touching to see how well that cemetery staff takes care of the cemetery. It is a United States military cemetery, and our visit to that cemetery left Senator INOUE and me very humbled since we were involved in World War II ourselves.

We then traveled to Iraq, where we spent 2 days meeting with senior U.S. and Iraqi Government officials. We arrived at the Baghdad International Airport, formerly known as Saddam International Airport, which is located ap-

proximately 16 kilometers west of Baghdad. It has both a civil international terminal and a smaller military ramp. The Baghdad International Airport is served by a class 1 runway of 13,000 feet, and the military side has almost 9,000 feet. The military runway was bombed by coalition aircraft and closed early in Operation Iraqi Freedom. The 1st Expeditionary RED HORSE Group and the 447th Expeditionary Civil Engineering Squadron helped repair the runway, and it is once again operational. It opened to commercial aircraft in 2003. It can handle 7.5 million passengers a year. I tell the Senate that because it is partially back. I think that is what I am trying to tell the Senate. Many things are returning to normal in various parts of Iraq.

Baghdad International Airport has been refurbished as part of a \$17.5 million contract to rebuild Iraqi airports in Baghdad, Basra, and Mosul. This project is administered by the U.S. Agency for International Development.

Coalition forces began returning control of Baghdad International in June of 2004 with the turnover of the air traffic control tower and checkpoints. The process was concluded with the exchange of the main gate on August 25, 2004. Our major access to Baghdad is in civilian control of Iraq now.

Upon arriving in Iraq, we traveled to the international zone formerly known as the Green Zone. This area in central Baghdad houses most of the city's diplomatic and Government buildings. Part of this area was Saddam Hussein's family playground, including the Presidential palace, which is now the U.S. Embassy annex, numerous villas for Saddam's family, friends, and former Baath party loyalists, along with an underground bunker which reminds one of Hitler. We were informed it was also the home to Saddam's man-eating lions, which have since been moved to Iraq's national zoo. I am happy to say.

Most of our briefings took place in the Presidential palace, which, as I said, is now part of the American Embassy. We discussed the current situation in Iraq with U.S. Ambassador Ryan Crocker and his key staff.

Let me tell the Senate a little bit about Ambassador Crocker. He is a most impressive individual. He grew up in an Air Force family, attended schools in Morocco, Canada, Turkey, and the United States, and joined the Foreign Service in 1971. Since those early years he has served in a variety of hot spots around the world. His assignments have included Iran, Qatar, Iraq, Egypt, as well as right here in Washington, DC. He also served as U.S. Ambassador in Pakistan, Kuwait, Syria, and Lebanon. This man has an impressive list of senior assignments during which he represented our country, and he is representing us very well now in Iraq.

In January of 2002, Ambassador Crocker reopened the American Embassy in Kabul. In 2003, he served as the

first Director of Governance for the Coalition's Provisional Authority in Baghdad. He was subsequently confirmed by this Senate as our Ambassador to Iraq on March 7, 2007. We have here a true Middle Eastern expert representing our Nation in this country.

Ambassador Crocker and General Petraeus are a great team. Their partnership serves our country well.

I was very impressed by that team and by the Department of State officials working throughout Iraq. Whether serving in the Baghdad Embassy or in numerous provisional reconstruction teams that are now known as PRTs that are located throughout the country, they deserve much credit and they deserve our support. I was especially pleased with the progress the PRTs have made over this past year. Their efforts are important to achieving our counterinsurgency strategy by bolstering moderates, promoting reconciliation, fostering economic development, and building provincial capacity.

The PRT initiative is a civilian military interagency effort that serves as the primary interface between U.S. and coalition partners and provisional and local governments throughout Iraq. They are helping Iraq develop transparency and stable provisional governments by promoting increased security, the rule of law, political and economic development, and providing the provincial administration necessary to meet the basic needs of the Iraqi population. Twenty-five PRTs serve all the provinces in Iraq. Ten full-sized teams stretching from Mosul in the north to Basra in the far south serve the majority of Iraqis. Coalition participation includes the British-led PRT in Basra, the Italian-led team in Dakar, and the Korean-led team in Erbil. The PRTs work closely with U.S. and coalition military units to strengthen provisional governments.

Ten of the twenty-five teams are the new "embedded" PRTs, as they are called. These civilian-led teams work hand in glove with the brigade combat teams or the U.S. Marine regiments to support the surge in Anbar Province and in the greater Baghdad area.

Manning of these PRTs is diverse. Personnel represent our Department of State, USAID coalition, and the U.S. Department of Justice, the U.S. Department of Agriculture, the gulf region division of the Army Corps of Engineers, and our contract personnel. The office of Provincial Affairs within the U.S. Embassy in Baghdad provides the policy guidance and support to the overall PRT program. This program is one of the significant things we saw that has taken place in Iraq since the surge, and it has been very successful.

As part of the President's new way forward, PRT personnel doubled from 300 to over 600 team members countrywide by the end of last year. The PRT's financial support comes from a variety of sources, including coalition partners and donor nations, with the majority

coming from the United States, of course. Principal programs associated with PRTs include the U.S.-funded community stabilization program, the provincial reconstruction development committee program, the local governance program, the civil society program, and the Inma agribusiness program,—by the way, Inma means growth in Arabic—amounts to progress. Progress has taken place as a result of the surge.

During our visit, it was announced that security conditions had improved enough to allow the drawdown of U.S. combat troops from Diyala Province. This was the first drawdown of combat forces since the surge began in 2007, and these forces will not be replaced. This redeployment without replacement reflects the overall improved security conditions within Iraq, improved capabilities of the Iraqi security forces, and the increased participation of concerned local citizens. Improved economic factors and declining tribal conflicts in the province have made the drawdown possible. I think General Petraeus's ability to reach out to the tribal leaders has contributed greatly to what we have seen in terms of the progress being made in Iraq.

Diyala Province has been plagued by rampant corruption in the past. Leaders placed their ambitions ahead of the needs of the constituency. There was a lack of food, water, electricity, and fuel, and residents viewed Iraqi security forces as sectarian. Tribal conflicts divided the population. We met with some of those forces. Iraqi security forces and the government of Diyala Province worked diligently over the past 18 months to bring stability and services to that province. Acts of violence have dropped in the past year by 50 percent alone. The surge enabled the coalition and Iraqi security forces to dominate the terrain and secure the population, allowing the government to function properly and to shift focus from defense to reconstruction and providing essential services. We saw progress. That is what I am trying to say. We saw with our own eyes the progress that is taking place in Iraq since the surge.

We met with Deputy Prime Minister Barham Salih and his staff and personally stressed the importance of moving forward on the political reconciliation. The national Government must reconcile. We must keep in mind that Iraq's political system, though, is still in its early stages of development. Its leaders are trying to establish a government and resolve fundamental issues in the midst of continuing violence.

Iraqi leaders agree political progress can be improved. However, there have been steps forward during the past several months. While the so-called benchmark legislation has been slow in terms of the national legislature, I believe that actions will flow from the laws that have been passed and those that have already been enacted. Steps

are already being taken. We were encouraged by the distribution of oil revenues despite the absence of an agreement on the overall revenue-sharing law.

I don't know if the Senate knows it, but many people went from Alaska to talk about our basic concept in Alaska of our system of a general fund, a basic fund where we put aside 25 percent of all of our oil revenue. That is our security for the future. We tried to convince Iraq to do something like that, and I am pleased to say they are going to do something like that. But they have a different circumstance, of course, since they have so many differences between their provinces. But the concept of working on a national basis to provide for a distribution of oil revenues throughout the provinces is still proceeding.

We received an extensive briefing from General Petraeus and Ambassador Crocker on the impact of the recent military surge and the declining level of violence throughout the country. General Petraeus highlighted the success our soldiers and their Iraqi partners have had in taking control of many sanctuaries from al-Qaida in Iraq and disrupting extremist networks throughout the country. Since the surge of offensives began in June of last year, attacks and civilian deaths, we were told, have decreased by 60 percent. I believe that is progress.

Iraqi security forces are having a greater impact on the battlefield. In the last year, they have added over 100,000 new soldiers and police and increased their capabilities. Senator INOUE and I met with some of the leaders of the Iraqi Army in Iraq and with heads of the police from some of the areas. I am confident they were moving as quickly to eliminate conflicts between their people, between the Sunnis and Shiites, and between the various tribes. Most important was the new role of tribal leaders in trying to bring about a peaceful situation within Iraq. In 2008, the Iraqis will add 30 additional battalions to compensate for our reduction of about one-quarter of our combat forces by the end of July. In areas of Iraq, the atmosphere resembles the spring of 2003, where many communities were feeling liberated. This time, they are feeling liberated from al-Qaida and the extremist elements that have come in after the defeat of Saddam Hussein.

In many provinces Iraqis are completely in charge. In some areas, in fact, there are no coalition forces there at all.

The rejection of al-Qaida and the military extremists has led to the rise of concerned local citizen groups, more than 75,000 strong, and comprised of both Sunni and Shia volunteers. These groups are helping to secure their communities, provide intelligence on the enemy and report improvised explosive devices, or IEDs, and weapons caches. You should have heard some of the stories we heard about how citizens are

coming forward to say where these caches are located and where the weapons are, because they have confidence in their own people, that they are going to be in charge of their own security. This move has saved the lives of countless Iraqi civilians and coalition soldiers.

We discussed the overall security situation throughout the country with LTG Ray Odierno, Commander of the Multinational Corps, and his key staff. This is a photo of the meeting we had with that staff. It was an interesting briefing.

Since our visit, LTG Odierno has redeployed to Fort Hood, where he has reassumed his responsibilities as the Commander of the 3rd Corps. He is a very capable individual who I believe will be assigned to more senior positions, and we will hear a lot from this officer in the future.

We flew to forward operating base Kalsu, south of Baghdad, where we met with the commander of the 4th Brigade Combat Team of the 25th Infantry Division, COL Michael Garrett, and his senior staff. This is a photo the Senator and I had taken with him. Colonel Garret impressed us with his leadership and insights into the complexities of his mission. This 3,600-soldier brigade is home-stationed at Fort Richardson, AK. That also gave us a good reason for visiting with them. We were impressed with what they are doing.

This 4/25th brigade was preparing to rotate back to Alaska. They served in Iraq for 15 months, from September 2006 to December 2007.

Two years ago, there was no 4th Brigade Combat Team, Airborne, in the 25th Infantry Division, or in Alaska. Colonel Garrett and the corps of his paratroopers grew it from a battalion to a robust airborne brigade, and they deployed to Iraq after it had been literally put together in Alaska.

The brigade was headquartered at forward operation base Kalsu, in Al-Hillah Province, but also worked in Babil, Karbala, and Najaf Provinces. I am not sure I like the way my helmet looks in this photo. Senator INOUE took his off before the photo. It was an interesting meeting under a tent with Army soldiers deployed in the field.

Unfortunately, 53 of the 4/25th made the ultimate sacrifice while valiantly serving America in Iraq. We in Alaska will always remember them. I can tell you that along with all Alaskans we have expressed our love, admiration, and honor for their service and are doing our best to make sure their survivors are well cared for.

The 1st Brigade Combat Team, Stryker, of the 25th Infantry Division also spent 15 months serving in and around Mosul. They returned home to Fort Wainwright, AK, at the end of 2006. By all accounts, they did a tremendous job providing security in that region of Iraq. They were led by COL Mike Shields, a very capable and talented leader.

We also met with senior Iraqi military and police officials from Al-Hillah

Province. They agreed the security situation in this province is much improved, with the number of attacks significantly down. The mayor, army, and police leaders had a close working relationship with the Alaskan-based brigade.

Before departing Iraq, we asked to see a Mine-Resistant Ambush-Protected vehicle, an MRAP. I had a photograph taken of it as I left this vehicle. It carries 6 passengers and weighs 16,000 pounds. It is the smaller and lighter version of MRAP variants and is designed for urban operations. This is the new protection for our forces. It is a category 1 vehicle used by our soldiers and marines in Iraq for mounted patrols, reconnaissance, and direct interaction with the civilian population. This is protecting our forces from the threat of IEDs, and this has saved many lives since its deployment. To date, we have fielded 2,317 of these MRAP vehicles in Iraq and Afghanistan. We are in the process of adding 9,000 or more by the end of this year, which I hope will be the end of the war. Anyway, these vehicles are good news and this shows what our country can do in a short period of time. Those other military vehicles did not have the level of protection as MRAPs. This is a survivable vehicle. I think the Senate should be congratulated for moving rapidly to get the money up and get the program up. I congratulate Senators WARNER and LEVIN for their support in this regard.

We have worked together with the Appropriations Committee and Armed Services to make sure these vehicles were supported and delivered in the shortest time in history. They were originally flown directly to Iraq. Now that significant numbers are coming off the production line, they are now going over by ship. These are the most successful vehicles for urban warfare we have ever had. We need them there. I think they will be largely responsible for completing the operations we have to finish in Iraq.

I have taken a little more time than I thought I would. But the reason for my report is that my personal conclusion, from what I saw and heard, was that the surge has worked. There is still work to be done and still support we have to give these people in the field. This is no time to consider a withdrawal from Iraq under the conditions such as the Russians withdrew from Afghanistan. I urge those who have any thought of such a withdrawal, a mandated withdrawal, to look at the history of the Russian withdrawal from Afghanistan. It was one of the most costly in history in terms of the deaths of the Russian soldiers who were trying to get out of that country. They turned around and literally fled from the country under difficult circumstances, where they were ordered out by their political masters without regard to the safety of the people involved. I will not participate in such a withdrawal. If we withdraw, it must be because we have

finished the job and the Iraqi military and police forces can take responsibility for their own security.

As Israel has done for so many years, I believe Iraq will come to be able to defend itself. We have to stay the course in order to do that. The people who were lost there deserve for us to finish the job.

#### 47TH ANNIVERSARY OF PEACE CORPS

Mr. STEVENS. Mr. President, this week we mark the 47th anniversary of the U.S. Peace Corps and I ask the Senate to recognize the men and women who represent the best of America and volunteer to serve those less fortunate around the world.

Since its inception in 1961, 190,000 volunteers have served in 139 countries. You may be aware our colleague Senator DODD served in the Dominican Republic in 1968.

My good friend and associate in law practice, Jack Roderick, took his family to India to serve as the Peace Corps regional director in 1967 and 1968. Jack tells me that, like many volunteers, he feels he got more out his experience than he could have ever given.

His two daughters were 11 and 13 at the time and they attended Indian schools and learned to speak Hindi. The experience changed their lives.

The 1,000 volunteers Jack worked with in India faced many health risks due to the difficult living conditions. But they were committed to the mission of the Peace Corps and worked with the people of India to improve the country's agricultural production.

Today, 36 Peace Corps volunteers from Alaska are working in countries around the world including Mongolia, Uganda, Ecuador, Romania and Cambodia. They work directly with the people of these countries and help improve education and develop small businesses. They work with small farmers to increase food production and teach environmental conservation practices. They fight malnutrition and help provide safe drinking water. They fight the spread of HIV/AIDS and assist people affected by this disease which is devastating many developing nations.

When these volunteers return home to Alaska they share their unique experiences and perspectives with their communities and help expand our understanding of places which for many of us are just a name on a map.

A member of my staff, Ray Sorensen, spent 2 years in Haiti with the Peace Corps. Since he returned he has enjoyed visiting elementary schools and sharing stories, photos and Haitian music with students. This type of cultural exchange provides students with an understanding not available from their textbooks.

The objective of the Peace Corps is to eventually work itself out of a job. We all hope for the day when there is no need to fight against poverty and disease and all nations enjoy the prosperity with which we are blessed. Until that time, we should support the men and women of our Peace Corps and the good work they do around the world.



I congratulate the Peace Corps on its 47th anniversary and wish it continued success.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. WEBB. Mr. President, I ask unanimous consent to speak as in morning business and to take such time as required for myself, Senators HAGEL, WARNER, and LAUTENBERG to discuss the reintroduction of S. 22, the GI bill legislation.

The PRESIDING OFFICER (Mr. NELSON of Nebraska). Without objection, it is so ordered.

Mr. President, my first day in office in the Senate, I introduced legislation that we had worked on from the time of my election through the interim period, before I was sworn in as a Senator, that would address a true inequity in terms of how we are rewarding military service.

The legislation was designed to provide a level of educational benefits for those who have been serving since 9/11 that would be equal to the service they have given. The way that would be measured would be for us to do the best we could to shape legislation that pretty much mirrored the benefits that those who came back from World War II received.

I am very pleased today to be reintroducing this legislation with refinements that we have been able to gain through 14 months of discussions with all people who work in this area, and to also mention that we have new and very important lead cosponsorship as well. As of today, we will now have 35 sponsors in the Senate for this piece of legislation, plus we will have the full national support of the major veterans organizations, including the Veterans of Foreign Wars, The American Legion, the Iraq and Afghanistan Veterans of America, the Military Officers Association of America, and other veterans groups. I will also point out that the combined veterans organizations, when they made their proposals to the Veterans' Committee about what the veterans budget should look like—the so-called independent budget that is put together every year—included a policy proposal for legislation that has all of these pieces in it.

I am very pleased and excited at where we are right now on this piece of legislation. I am very gratified to have with us on the floor today Senator CHUCK HAGEL who, in October, became the lead cosponsor on the Republican side, and Senator JOHN WARNER, who has agreed to be a lead cosponsor, both of whom I have known for many years. I wish to say a little bit about that and also ask that they join me in discussing where we need to go on this.

I have known Senator CHUCK HAGEL for 30 years. We both came up into Government together, working on veterans issues. We are the only two ground combat veterans from Vietnam to be serving in the Senate. We have worked on many issues over the years and have worked together on, I think, some very

important efforts last year in trying to bring some sense into the rotational cycles that have been ongoing with respect to the occupation of Iraq and the war in Afghanistan.

I first was able to serve under Senator JOHN WARNER when I was a 25-year-old marine, my last year in the Marine Corps, when he was Under Secretary of the Navy, and then as Secretary of the Navy. He was instrumental in helping me as I left the Marine Corps, moving on to other parts of my life. I was privileged to follow Senator WARNER—not only into the Marine Corps, but also into the position of Secretary of the Navy during the Reagan administration, and I am very proud to be serving with him as the junior Senator from Virginia.

I think that Senator HAGEL, Senator WARNER, Senator LAUTENBERG, who is a World War II veteran who benefited from the GI bill, are all an indication of the will and the heart of the people who know what it is like to step forward and have to serve their country, when it comes to trying to reach a proper reward for service, and to assist those who have stepped forward to serve our country into the most meaningful future that they can obtain. This bill does that. We have listened to the veterans groups. We have listened to other colleagues about the different pieces of legislation they have. We have incorporated a provision in here at the suggestion of Senator LINCOLN of Arkansas that is a very good provision that will assist those in the National Guard and Reserve to have a meaningful GI bill for their service.

So this is legislation that I believe is ready to go and, as I said, we are reintroducing it today with 35 sponsors. I am very hopeful that our body and the other body can pass this legislation this year. This is the kind of bill where time really matters because educational benefits pursuant to military service are a transitional benefit. They are designed to assist people when they readjust from military life back into civilian life. Those who have been serving since 9/11 have been leaving the military as their enlistment expires, and they need this type of benefit.

I am hopeful, again, that we can move this bill forward swiftly.

I yield to the Senator from Nebraska.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. HAGEL. Mr. President, I thank my friend and colleague, Senator WEBB, for his generous comments and for his leadership in writing and initially introducing this legislation. I also thank my friend and colleague, Senator WARNER from Virginia. As has been noted by the junior Senator from Virginia, the senior Senator from Virginia has had many years of important experience. He has contributed many years of service in many capacities to this country. When you take the service of the two Senators from Virginia together, it is a remarkable story. I am privileged to join them, as well as over

30 of our colleagues, and a distinguished Senator in his own right and World War II veteran, Senator FRANK LAUTENBERG of New Jersey.

We all share similar experiences in our service to our country, but most of the veterans in the Senate, and I suspect in the House of Representatives, also share the common experience of using the GI bill which was enacted after World War II to educate a generation of Americans who changed the world, who transformed the world.

I put the GI bill in the same universe of importance as the original Homestead Act enacted in the early 1860s which truly transformed this country. I think the original GI bill did much the same.

What Senator WEBB is talking about, what Senator WARNER, Senator LAUTENBERG, and others are committed to is a relevant new GI bill that addresses the challenges of the 21st century. We in this country not only appreciate, but revere, the service of our military, and that is as it should be. These are selfless men and women who have committed themselves to a higher cause than any other cause, and that is the defense of their Nation, defense of their fellow Americans. They ask nothing in return. Each generation of Americans who has fought for this country, who has served in uniform has never expected anything in return because they have considered it a privilege to serve this country in uniform.

But one of the reasons the GI bill was first enacted after World War II was to reinvest in our country, to reinvest using the loyalty, commitment, and resources of Americans to even go further and do even more for this country and society in the world. Education does that. An important foundational element in the history of the country over the last 200 years, as any other, has been public education. It has been public education. It is the tradition of our country, not just to reward service, to acknowledge service, but be smart about that service and reinvest in our society. That is essentially what this is. This is reinvesting in our society. It is assuring that those who have given so much to our country have an opportunity to develop skill sets in education to compete in the most competitive world history has ever known, to go beyond expectations, go beyond what is possible. This is not just a payback or reward.

I wish to make a couple of general comments about the bill that I think not only are appropriate but need to be addressed. I have noted that there have been some who have questioned the need for this bill when we have a current GI bill which was authored by a friend of everyone in this body, a distinguished American who left us last year, the late chairman of the House Veterans' Affairs Committee with whom Senator WEBB worked, Congressman Sonny Montgomery from Mississippi.

On a personal note, it is because of Congressman Montgomery I met my



wife who was working for Congressman Montgomery at the time.

In the early 1980s, he took the reality and the need of our time and the relevancy of this bill, the GI bill in law, and made it appropriate to what the circumstances were 25 years ago. We are in a different place in the world today. We are engaged in two wars. We have 190,000 troops in those two wars in Afghanistan and Iraq. We have new pressures, new challenges, and new opportunities. So it is appropriate to re-address this issue that has played such an important role in educating our veterans and investing and reinvesting in this country and in society.

This does not displace or replace any other educational program. Today, the largest grant aid program the Federal Government sponsors is the Pell Grant Program, an important program. I believe most all of us on the floor of the Senate support that program. I surely do. It is a program based on financial need, and it is appropriate. It is one area in which I happen to believe the Federal Government can play a role, a meaningful role. It gives these Pell grant awardees some options.

Just as what we are addressing today, we need to ensure that these people who have sacrificed for this country are given the same kind of options that other programs in the past have allowed.

Senator LAUTENBERG will talk about that issue. Senator WARNER will talk about that issue. This program needs to be updated and upgraded.

I mention the cost issue because it is an appropriate issue at a time when we are running \$400 billion deficits. But I remind everyone here, Mr. President, that we are spending approximately \$15 billion a month on war—two wars. We are getting to nearly \$1 trillion spent on two wars over the last 7 years. Surely we can find the resources necessary to upgrade and update the requirements for a 21st-century country as it relates to our veterans.

I want to also address one other issue that I have heard from some who say: Senator, if we do this, if we go forward with this program and modernize the GI bill, wouldn't it undermine our recruitment and retention efforts? That is an interesting question, again, a relevant question. You recognize the fact that, first, we have an all-voluntary service, so people have choices. We want the finest, brightest, most capable young men and women we can find, and we have been able to do that over the last 25 years—build the best trained, best educated, best led, best equipped, most motivated force in the history of man. But we are on the edge of ruining that force structure.

Why do I say that? The Chief of Staff appeared before the Senate Armed Services Committee for the last 2 days. In order for the Army to continue to recruit enough manpower to fight in two wars, as well as the other obligations, we have had to define down the standards of the U.S. Army—waiving

criminal records, waiving drug records, waiving high school diplomas, and high school equivalence in order to attract enough people.

In addition to that, we have put hundreds of millions of dollars of large incentive bonuses on the table, \$40,000 at a time, for reenlistment and for sign-up bonuses, plus the promise of down payments for houses. So we are already in the marketplace for competing with young men and women to serve this country.

Isn't it far better to invest in education? Isn't it far better to give these young men and women more educational opportunities if they decide or when they decide to leave the service after they have served this country in an honorable way? Isn't that more important in many ways to recycle that commitment and loyalty and talent into a new investment in education that will serve these young men and women far longer than a \$40,000 bonus? Far more.

I think just the opposite. I think it enhances recruitment. I think this enhances the quality of our service. I think this helps us get back to defining our standards up. No institution can long survive when it defines its standards down. There will be a consequence for that, and we are seeing that consequence today, as I think General Casey made very clear in his comments before the Senate Armed Services Committee.

In conclusion, I am very proud to be part of this effort. I am, like my colleagues, hopeful the Senate and the House and the administration will act on this bill this year. It is, as Senator WEBB noted, a timely, important, and critical issue for our country and our force structure.

I will continue to do everything I can to be part of that effort and work hard to that end.

Again, I very much appreciate the leadership of Senators WEBB, WARNER, LAUTENBERG, and others who have brought this bill forward.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I am hopeful to join in the debate. I see my colleague from New Jersey. Does he have a pressing matter? I can wait until he completes his remarks, if that will help him.

Mr. LAUTENBERG. Mr. President, this is what happens when we get on the floor of the Senate and longtime friends meet. I defer to the distinguished Senator from Virginia.

Mr. WARNER. I thank my colleague.

Mr. President, I have looked forward to this moment. This is a special day for me in many respects. But, first and foremost, what a privilege it is to stand on this floor with three magnificent combat veterans—my colleague and dear friend of 35 years, JIM WEBB; FRANK LAUTENBERG of New Jersey, and my good friend from Nebraska, CHUCK HAGEL—all of these three gentlemen

are combat veterans. Two were awarded the Purple Heart. My military career was far more modest.

I would also like to thank the Senate Veterans' Affairs Committee, particularly its chairman and ranking member Senator AKAKA and Senator BURR for their leadership on behalf of our veterans. I look forward to working with them on this initiative.

And finally I just want to say thank you to all who have been working on this bill, particularly to JIM WEBB, who led the effort, drawing on his experience as a young marine officer in Vietnam; as Assistant Secretary of Defense, explicitly assigned to the affairs of the Reserve and Guard units; and then in a position that we both shared as Secretary of the Navy. All of that experience he draws on to bring forth this bill and to lead this effort. Your career in the Senate, I think, will be marked by many successes, but this will be one of the foundations of that success. I say to my colleague that you will always look back upon this accomplishment with a humble sense of pride knowing that you "led the charge."

I am very optimistic that we will prevail with this legislation. There may be challenges, but we will prevail. We will prevail because it is the right thing to do.

I also want to say thank you to my country that gave me an education, for my modest periods of service in World War II in the Navy and service in the Marines during the Korean war. It was not as valorous as the careers of the sponsors and cosponsors joining in this debate.

Mr. President, I am grateful to have been the recipient of two GI bills and I wouldn't be standing here today—it is as simple as that, had it not been for the GI bill. Three months after I was discharged from the Navy, my father died. He was a very wonderful, successful medical doctor. He had served in World War I in the trenches in France as a medical doctor, caring for the wounded. I mention that only because I am not sure I would have had the means within our family structure to go on and receive higher education without the GI bill.

The original GI Bill of Rights was enacted in 1944, and in successive Congresses they made changes to it. But the key to the bill that the two of us from World War II—Senator LAUTENBERG and myself—is that our group of veterans could go to any college or university of his choice, subject to academic or admission requirements. I want to repeat that. There wasn't a college or university in the United States to which they could not attend, for the GI bill covered the full tuition costs of all institutions of higher education. Today's GI bill, largely through the efforts of Sonny Montgomery, a dear friend whom we all value, simply does not have the financial provisions to enable young men and women of this generation to go to any campus they desire. There are low caps on the

amount of tuition the current GI bill will cover. And so we have carefully structured in this bill the opportunity for institutions of higher learning to step up and share in this program.

I would like to briefly outline the sharing provision. Under this legislation, the full basic educational benefit will allow GIs who have honorably served to have the full cost of tuition covered at any public college or university in their home State of residence. Veterans will also be given a monthly stipend tied to the Department of Defense's geographic rate for housing, and a small stipend for books. For veterans who choose to attend a private college or university—or an out-of-State public college or university—admittedly, this basic benefit might not cover the full costs of tuition. Thus, this bill will provide an educational enhancement for veterans who complete at least 36 months of honorable active duty service. The Federal Government will match—dollar for dollar—any additional financial contributions private and public colleges and universities voluntarily contribute toward their respective tuition costs. We believe that many institutions of higher learning will participate in this concept, thus vastly increasing the educational choices for veterans, commensurate with the choices that World War II veterans received.

Mr. President, we talk a lot about academic freedom. It is one of the most cherished things we have in this country. It is a part of the fundamental system of higher education. With that academic freedom, from campuses all across this country, have come great ideas, great inspiration, and solutions which have helped this Nation structure itself as the strongest and most powerful in the world today. But that academic freedom comes at a price. And much of that price is borne by the young men and women today of the all-volunteer force who go forward, raise their right hand, and assume all the risks associated with military service and preserving our freedom.

Educators should stop to think about that. It is important that institutions of higher learning, when possible, have as a part of a student body, young men and women who have proudly worn the uniform of this generation. And this bill puts forward a financial structure for the sharing of tuition costs. I was privileged to go to two schools in my State: Washington and Lee University and the University of Virginia. One a private institution, the other a public institution. But most of the private institutions today, fortunately because of their extraordinary standing and achievements, have tuition rates which cannot be met by a GI completing honorable service and relying on the current GI bill tuition caps.

This bill enables a voluntary, I repeat voluntary, cost sharing between the U.S. Government and the academic institution. I think we owe no less to the preservation of academic freedom

at these schools, that freedom being guarded by the young men and women who seek admission, and who have honorably served this Nation. Therefore, if a GI has the requisite academic credentials for admission—we are not asking that any special exception or deviation should be done by these schools.

These valiant men and women deserve nothing less than our full measure of support and unending gratitude for their service and sacrifice. A GI bill for the 21st century, to provide educational benefits for uniformed personnel who are sacrificing so much to preserve our freedom, is the least we can do.

So in closing, Mr. President, I say thank you. I have so much, individually, to be thankful for. Simply stated, I would not be a U.S. Senator today had it not been for the GI bill of World War II and Korea. I want the same opportunity for the current and future generations of "fighters for our freedom."

I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, first, I wish to say how proud I am to be on the floor with my three colleagues who are sponsoring this, with Senator WEBB as the lead sponsor on this very important legislation. Senator WARNER and I kind of outrank the others in terms of when it is that we served. I point out that we have two commissioned officers here and we have two noncommissioned officers. Senator HAGEL, I think, outranked me. I was a corporal.

I am so pleased to be here with my colleagues. I got an undeserved credit because it was said I was a combat veteran. Well, I served in the combat theater, and my job was to climb telephone poles while the bombing was going on in Belgium. I would not say there were the same dangers as someone on the line, but people got hurt and worse doing what I was doing. But I want to clear the record because I didn't carry a rifle. I carried a carbine, which is a lot smaller weapon, and, fortunately, I didn't have a chance to fire it. But it wasn't fired at me either.

I look at what we are doing here and think about what it means to those who are serving and what it meant to me in my life. My parents were brought to America when they were infants, but they were people who would be classified as blue-collar people—no education but wanted to work hard. Honesty was constantly preached: Be mindful of your responsibility to others, do whatever you can, work as hard as you can.

When I got out of high school, I got a job loading milk trucks. Because going to war was imminent, I enlisted when I was 18. I served with 16 million other people in uniform at that time.

We used to talk about college around the dinner table, when we had dinner together, and my parents would say you have to get an education. My fa-

ther took me into the mill he worked in when I was 12 years old. He said: I want you to see what it is like. It was a textile factory in Paterson, NJ, an industrial city. As we walked in the building, he said: Do you hear the noise? The whole building would vibrate. And I said: Yes, Dad. And he took me up to the machine he operated. It was a big old machine with a wheel that converted fibers into fabric. He said: You see how dirty it is here? Yes, Dad. He said: Do you see how dark it is? Yes, Dad. And he took my hand and he rubbed it across the silk fibers he was working on, and it left a film. He said: You see that? That is bad for you.

My father, when he did that with me, was 37 years old. Six years later, he was dead. Cancer that developed occupationally. My grandfather worked in the same place. And not unlike those who worked in the coal mine or some other place, my grandfather was 56 when he died.

So for me, being in the military was a responsibility that I willingly took on. My friends, my neighbors, we all did it. The future was not particularly bright. But then, when all of that was finished, I had a chance to go to a university. And Senator WARNER, with his usual grace, he said that you could go to any school you wanted. I don't know that it wasn't just the recognition that we needed financial help, but I think there might have been a little give also on the standards that you had to meet. I don't know that in today's world we would have fared quite as well. I was lucky enough to go to Columbia University. They welcomed me. And I stood there in amazement when I graduated because none other than GEN Dwight Eisenhower handed me my diploma. He was then the President of Columbia University. I was a little upset that he didn't recognize me. We had both served in Europe. I didn't understand why he didn't say: Hello, Frank.

It was exciting to be in a university—exciting to know that somehow or other I was not only going to be able to help myself, I was going to be able to help my widowed mother and my kid sister and be something different than still loading milk trucks in Clifton, NJ. I was excited because not only did I learn subjects—statistics and finance and the kinds of things one learns at business school, in particular—but also I learned there was a different way of life; that there was something you could do besides standing with my folks when they had to buy a store because the mills closed. I learned you didn't have to live in cramped quarters and that maybe there was something else out there you could do.

So when I look at what we are talking about today, I am particularly motivated to see that with the leadership of Senator WEBB and with the help of the three of us, that we get this legislation through. We know when there is a debate here and it gets to veterans'

support, usually that quiets the troubled waters and we talk to one another, almost civilly at times, and we gather support from one another and are encouraged. We might feel differently about which programs ought to get more funding, but we are all concerned about the medical care, the post-service conditions that come up like post-traumatic stress disorder. And when we read stories about service people who get so distraught that they destroy their lives, that is often a sign of the kind of stress and the kind of trauma that people have been left with after they serve. So when we look at this legislation's opportunity, it is consistent with our need to show our respect and gratitude to the people who serve and who served in a war that is far longer and more vicious than any one ever dreamed it might be.

Because in previous wars, and the war that Senator WARNER and I served in, it was not the case that your enemy wanted to give their life and thusly would not be frightened off by anything you do. Their principle was to destroy the enemy. In the current war, the enemy is willing to destroy itself to destroy us. So the kind of violence that has been exhibited in this war is different than in any other war. Vietnam was the place where it was learned that people would die for a cause, but it was not like this war where people want to die. So conditions are different.

So here it is, very simply put: There are scholarship assistance programs like the Montgomery bill which provides 38,000 dollars' worth of support for education, for the cost of maintaining one's self, as well as room and board. But the average cost of a public education today is \$51,000.

Well, it still is significant when someone graduates college with huge debt, and typically they are relatively young, wanting to start a family, wanting to get going in life. So it is simple math. Many of our veterans just cannot make up the difference and thusly are denied a college education. So this has real consequences.

People with a college degree earn nearly double the salary of those who do not have one. We have got to close the gap between the current cost of college and the amount that the GI bill pays for. Remember, America built something that was called and supported as the "greatest generation." Now, why, with all the technology, with all of the richness this country has, with all of the talent this country has, can we not create another "greatest generation"? We should move on that. There is only one way to get there, and that is to provide the ladder up to that success. You have got to take the first step. The first step is to make sure you get as much education as your mind and your body and your will can handle.

So when we look at what we owe to or can do for these veterans, to me, this is the ideal thing. I would hope

that whatever party, however high the seniority is, that we all get together on this one and say: Veterans, we appreciate those of you who served, who left your families, in service. I was at Fort Dix, a major base in the State of New Jersey, for people who were going to deploy or be deployed back in Iraq. Many of them have served months already. These were not people who were living on a base where there was a culture to accompany their families, where there was a clinic, where there were schools, where there were libraries. They were in towns, they were paying their expenses, they have mortgages to deal with.

This is a time to say: We owe you something. We owe you something big. We are going to make it up to you. I encourage all of my colleagues to support this legislation. Join us in giving something back to our veterans that really stands out, that shows a lasting bit of gratitude for the valiant service that all of them have put in to serve their country.

I congratulate my colleagues for their effort, and Senator WEBB for his leadership. And I hope we will see success.

HONORING OUR ARMED FORCES  
PETTY OFFICER THIRD CLASS JEFFREY L.  
WIENER

Mr. MCCONNELL. Mr. President, I rise to speak for a son of Kentucky who journeyed to Iraq to save the lives of his fighting brethren, only to tragically lose his own. On May 7, 2005, PO3 Jeffrey L. Wiener of Louisville, KY, died in combat operations near a hospital in western Iraq. The hospital corpsman was 32 years old.

"My son was a hero and died doing what he loved, helping people no matter who they were," says Jeffrey's mother, Diana Wiener. An emergency medical technician in civilian life, Petty Officer Third Class Wiener dedicated himself to healing others.

For his bravery in uniform, Petty Officer Third Class Wiener received numerous medals and awards, including the Purple Heart and the Navy and Marine Corps Achievement Medal.

Jeffrey moved to Kentucky later in life, after growing up in Lynbrook, NY. He settled on his life's calling at an early age and began volunteering with the local fire department at 13.

Always helpful, Jeffrey eagerly assisted everyone at the firehouse with any task. What little free time he had left when not volunteering went to the school wrestling team. Jeffrey graduated from Lynbrook High School.

As an adult, Jeffrey worked in New York's Nassau County EMS and served as captain of a volunteer fire department. Jeffrey was committed to his profession as a paramedic and constantly pursued the latest training activities.

Jeffrey eventually settled in Louisville, moving to help his mother raise his younger brother David. He got a job with Jefferson County EMS and made an immediate impact on his new friends and coworkers.

Jeffrey "was always real gung-ho, straightforward, no beating around the bush," says John Cooney, a Louisville paramedic who partnered with Jeffrey. "That was his demeanor."

Jeffrey proved his value in short order when he suggested to his supervisor that the Louisville paramedics use something called a Reeves stretcher, which is more maneuverable in tight quarters than the standard carrying board. Jeffrey was familiar with it from his time in New York.

Jeffrey's supervisor agreed and put him in charge of training everyone on the new device. Major Rocky Johnson, Jeffrey's supervisor, told family and friends gathered at a memorial service for Jeffrey that to this day the Louisville paramedics call the device "the Wiener board."

After the terrorist attacks of September 11, 2001, Jeffrey was moved to serve his country in uniform, and joined the U.S. Navy Reserve in 2002. He then underwent special training to become a hospital corpsman.

The Navy hospital corpsman is a respected and revered position in our Armed Forces, and the most decorated rating in the U.S. Navy. Hospital corpsmen are often attached to Marine units and are trained to handle emergency medical procedures near the front lines of battle. For the man who had been eager to heal since age 13, it was the perfect mission.

Jeffrey was assigned to the II Marine Expeditionary Force and deployed to Iraq. "He took care of his troops," says LT John Rudd, a Navy chaplain who served with Jeffrey.

Jeffrey made friends with his fellow sailors as easily as he had with coworkers in Louisville or New York. One fellow corpsman, who hailed from Lexington, KY, knew Jeffrey but couldn't remember his name. Jeffrey told him to call him "Louie," because he was from Louisville.

Hospital corpsmen are often affectionately called "Doc" by the Marines they serve alongside, and Jeffrey soon earned the nickname "Doc Wiener."

As much as Jeffrey relished the opportunity to serve, he dearly missed his family. Jeffrey married his high school sweetheart, Maria, in 1998, and together they raised two beautiful daughters, Mikayla and Theadora.

Jeffrey's older brother Joshua also served in Iraq and was there when Jeffrey arrived. Today, Joshua is in the Marine Forces Reserve and a fireman in New York City.

Jeffrey's younger brother David is also a marine and currently on his second deployment.

Jeffrey was looking forward to what life would hold for him and Maria when he left active service. He was considering continuing his EMS work, or going to the Department of Homeland Security. And many in his family believe his true calling was to become a doctor.

Jeffrey was buried in Calverton National Cemetery in Calverton, NY, on

May 16, 2005. Many friends from the Navy and the fire departments and EMS departments he had worked in over the years attended. Jeffrey was posthumously promoted to the rating of Hospital Corpsman Second Class.

I know I speak for all of my colleagues when I say our prayers go to the Wiener family for their terrible loss. We are thinking today of his wife Maria; his daughters Mikayla and Theadora; his mother Diana; his father Wayne; his brothers Joshua and David; his sisters Wendi, Jessica, and Delayne; the Barberio family; and many other beloved family members and dear friends.

"Jeffrey's desire to serve in the military was prompted by his desire to be a part of bringing peace," says his mother, Diana.

Mr. President, no one can doubt Jeffrey Wiener's compassion after he chose to dedicate himself from an early age to relieving the suffering of others.

And no one can doubt his bravery after he donned his uniform and volunteered to tend to our fighting forces in Iraq.

This Senate is humbled by PO3 Jeffrey L. Wiener's service and sacrifice. His family and friends are blessed for knowing him in life. And his State and Nation are stronger for his efforts in freedom's cause.

#### LOUISVILLE SCULPTOR ED HAMILTON

For more than 30 years, Americans have set aside one month every year to remember in a special way the contributions of African Americans to our national life. Black History Month has its roots in an old February tradition of celebrating the life and work of Frederick Douglass, the great writer and abolitionist. But its expansion over the years has given us an opportunity to recall the many other Black men and women whose personalities enliven our Nation's history but whose stories were often overlooked by those who recorded it.

Today, Black History Month is also an occasion to draw attention to outstanding African Americans of our own day—people like Ed Hamilton, one of America's great artists I and one of Kentucky's favorite sons.

As a boy growing up on Walnut Street in Louisville, Ed learned the value of hard work and the importance of family from his Dad, a businessman and a World War I vet. And from his Mom, he learned to think big. "You can do anything," she always said. And so, roller-skating around the tight-knit neighborhood around the Hamilton family home at Walnut and 7th, Ed would learn to dream.

It is one of the ironies of history that so many great artists and thinkers barely ever left their hometowns. The whole world opened up to Shakespeare in a tiny town in England. Rembrandt saw all of history on the faces of merchants in Amsterdam. The Divine Comedy was written in exile. And for Ed Hamilton, Louisville has always been enough.

Ed and his family have lived in the same house on 43rd Street for decades. And all of his sculptures—from the Amistad memorial in New Haven to the African American Civil War Memorial monument here in Washington—were brought to life in the same Shelby Street studio. "Louisville has been my lifeblood," he says.

Ed's memories of post-war Louisville are vivid—right down to the sharp smell of the stockyards and the sweet smell of hops that floated from the breweries. He remembers spending too much time at the Lyric Theater—and being fascinated as a young boy by a bronze statue of Abraham Lincoln at the public library on 4th and York. It was the seed of his life's calling. Next year, more than half a century after Ed gazed at that bronze statue of Lincoln outside the public library, Kentucky will celebrate the bicentennial of Lincoln's birth with a new statue of Lincoln, this one by Ed, at Waterfront Park in Louisville.

Ed's life didn't always follow a straight path. As a kid, his mom wanted him to be a doctor. But a teacher at Parkland Middle School saw his talent as an artist and decided she wasn't going to let him waste it. So she called his Mom at home. "I think Ed's got something," she said, "and I want to help him develop it."

At Shawnee High School, other teachers did the same. Ed developed a love for sculpture—and for a pretty girl named Bernadette—during his time at the Art Center School. They got married. And for the last 40 years, Bernadette has been his confidante and special muse.

Early on in their marriage, Ed taught ceramics and sculpture at Iroquois High School. He enjoyed the work. It was a stable job. But everything changed after a chance encounter in 1973. That's when Ed met Barney Bright, the only man in Louisville who actually earned a living as a sculptor. "Barney invited me into his studio," Ed later recalled, "and my entire life changed."

Channeling the entrepreneurial spirit of his parents, Ed decided to set out on his own. And after a few years of working on abstract pieces and some impressive but minor liturgical art, the big breakthrough came. It was a commission for a bust of Booker T. Washington at Hampton University in Virginia. Ed always told Bernadette they didn't need to move to a big city for his work. If he was good enough, he said, they would come to him. Now they were.

When the Hampton commission came, in the early 1980s, Ed had never been on a plane before. So when it came time to visit the school, he took a Greyhound bus. It stopped in every town and hamlet for 600 miles. When they told him he had the job, he called Bernadette to tell her the good news and to tell her he was coming home in a plane.

Other important commissions followed: a statue of Joe Louis in Detroit;

the Amistad Memorial in New Haven; York, the slave who accompanied Lewis and Clark on their western expedition, in Louisville; and then, the Spirit of Freedom monument in Washington, an epic work that teaches thousands of Americans each year about the vital role the slaves played in the Union victory in the Civil War.

The movie "Glory" focused on a single regiment of Black soldiers. The Spirit of Freedom honors all 200,000 of them, including nearly 24,000 from Kentucky alone. This fighting force of former slaves made up about 10 percent of the Union Army. Twenty percent of these brave soldiers and sailors died in battle.

The Spirit of Freedom was 6 years in the making. Ed says he used to dream about it in his sleep. The final product features 3 soldiers and a sailor on one side. On the other side are the grandparents and parents of 3 children, one of whom is on his way to battle. Another child is an infant.

The message of the statue is clear: When the war began, everyone in the family it depicts was a slave. When the war ended, they were free. Some had lived their entire lives in bondage, but their children would not. Black men had helped secure a life of freedom for themselves, their families, and future generations and helped unite a country.

The Spirit of Freedom is a tribute to the soldiers who fought. It's also a special gift to their descendants. One woman, who came from Seattle to see it, sent a letter to the museum's director when she got back home. Here's what she wrote: "I don't know what I expected when I came to see the memorial, but when I came up out of the escalator and this statue rose in front of me my eyes were filled with tears."

Ed has two big binders of letters just like these at home. This one, from a woman in Louisville, is typical: "Dear Ed: How wonderful for you to make history come alive for generations to come. Now you are making history yourself as a sculptor and an African American. It is all wonderfully earned and deserved."

Ed's gotten a lot of awards. In 1996, he was given the Governor's Artists Award in the Arts. In 2000, he was made an honorary doctor of Humane Letters at Spalding University. In 2001, he was inducted into the Gallery of Great Black Kentuckians. In 2004, he was made an honorary doctor of arts at Western Kentucky University.

But he wears his fame lightly. Locals are surprised to see him walking down the aisles at Kroger. And he always answers his own phone. "I don't believe my own press," he says. "This is all fleeting."

Speaking once about the Spirit of Freedom statue, Ed called it an "honor" for him to pay tribute to the thousands of Black men who gave their lives in the service of freedom but who were not allowed to march in the victory parades after the war was over.

In this Black History Month, it is an honor for me to pay tribute to Ed Hamilton on behalf of all Kentuckians and on behalf of the many thousands of people across the country who have been touched by his special gift.

I yield the floor.

The PRESIDING OFFICER (Ms. KLOBUCHAR). The Senator from Missouri is recognized.

Mrs. McCASKILL. Madam President, I ask unanimous consent to speak as in morning business for up to 10 minutes and that following my remarks, the Senator from South Dakota be recognized to speak as in morning business for 20 minutes, and following him, the Senator from Washington be recognized for 10 minutes.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Madam President, I have a brief statement I want to make involving a police officer who was killed. I will come back and maybe you could allow me a couple minutes interspersed with all of this.

Mr. DODD. I ask unanimous consent that I be recognized for 15 minutes after the Senator from Washington.

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

The Senator from Missouri.

#### CITIZENSHIP

Mrs. McCASKILL. Madam President, I rise to speak briefly about patriotism and common sense. Every once in a while you open the morning paper and you go, huh? I had one of those moments this morning. In our Constitution, there are certain legal requirements to run for President of the United States. One of those is to be a natural born citizen. The article in the morning paper I read raised legal questions about the definition of "natural born citizen."

Actually, it talked about an ambiguity that could be interpreted in a way that would mean a child of someone in the Active military, stationed somewhere around the world, could have a baby, and that baby could never be President of the United States. In fact, Senator MCCAIN was born in the Panama Canal Zone while his father was Active-Duty military in the Navy stationed in the Panama Canal Zone.

Clearly, that is a notion that defies common sense and certainly offends all of our patriotism. I can envision someone actually being misguided and trying to bring some kind of legal action to determine whether Senator MCCAIN should run for President. That would be a waste of public time and resources. We should quickly and without fanfare fix this ambiguity and make it clear that any child of anyone serving in the Active military should, in fact, be qualified to run for President.

I will offer legislation I am confident everyone can agree on. How refreshing that notion is. It very simply defines "natural born citizen" to include any child born to a member of our military regardless of where in the world they

may be serving. In America, so many parents say to their young children: If you work hard and play by the rules, in America someday you could be President.

Our brave and respected military should never have to spend a minute worrying whether that saying is true for their child. I hope we can quickly, by unanimous consent, pass this into law so there is no question that those children of the men and women who give it all for us can someday grow up to lead this great Nation.

The PRESIDING OFFICER. The Senator from South Dakota is recognized.

MASTER SERGEANT WOODROW WILSON "WOODY" KEEBLE

Mr. THUNE. Madam President, today I rise to honor MSG Woodrow Wilson "Woody" Keeble for earning the Medal of Honor for his heroic service to our country in World War II and the Korean war. Although President Bush won't present the medal to Master Sergeant Keeble's family until next Monday, this is indeed an historic event as he is the first member of the Great Sioux Nation to be awarded this honor.

Master Sergeant Keeble went beyond the call of duty not for a medal, but for the mission he believed in and the country he loved. His legacy is a great source of pride for his family, his fellow South Dakota Sioux, and all Americans. The example he set for the just cause of defending freedom and democracy is truly heroic.

Master Sergeant Keeble was born in Waubay, SD, in 1917 to parents from the Sisseton-Wahpeton Sioux tribe. Master Sergeant Keeble's mother died at a young age, forcing his father to enroll him in the Wahpeton Indian School so he could get an education and three meals a day.

After graduating, Master Sergeant Keeble worked at the school and became well known for his baseball pitching, a skill that would serve him well in combat. In fact, the Chicago White Sox were actively recruiting him to play professional baseball when he was called into action in World War II.

After basic training, Master Sergeant Keeble served with "I" Company of North Dakota's 164th Infantry Regiment. He trained in Louisiana and was soon deployed to Australia to prepare for operations in the Pacific Theater. There, Master Sergeant Keeble's regiment was assigned to the 23rd Infantry Division, better known as the Americal Division.

On October 13, 1942, Master Sergeant Keeble landed on Guadalcanal in support of the First Marine Division, which had suffered heavy losses from the relentless Japanese forces. This was the first offensive operation the U.S. Army had conducted against the enemy in any theater of World War II.

Fighting alongside Marines, Master Sergeant Keeble gained valuable experience in jungle warfare that would later prove valuable in future operations.

The campaign on Guadalcanal saw some of the most brutal combat of the

war. Japanese troops adopted the "ban-zai charge" tactic of attacking in human waves and hand-to-hand combat would sometimes last through the night. During this operation, Master Sergeant Keeble developed expert control of his Browning automatic rifle. He also earned a reputation for bravery as one of the best fighters on the island because his pitching skills came in handy as he used his incredibly strong arm to effectively throw grenades into enemy bunkers. James Fenelon, a member of the Standing Rock Sioux Tribe who fought beside Master Sergeant Keeble once said, "The safest place to be was right next to Woody. I don't know how many rounds he carried, but he had bandoliers on each shoulder. His gun just never stopped—no matter where you were, there were Japanese. He was unbelievable."

Master Sergeant Keeble was awarded his first Bronze Star and Purple Heart at Guadalcanal for his meritorious actions in ground operations against the Japanese. His division fought so valiantly that they received a Navy Presidential Unit Citation for their support of the Marines. After Japan surrendered, the 164th occupied the Yokohama region of Japan.

After the war, Master Sergeant Keeble returned to Wahpeton and resumed work at the Wahpeton Indian School. He married Nattie Abigail Owen-Robertson on November 14, 1947, and settled down to start a family.

However, Master Sergeant Keeble's rest would not be a long one as the 164th was reactivated in 1951 to serve in the Korean war. After training at Camp Rucker, Alabama, several of Master Sergeant Keeble's fellow sergeants were to be selected for deployment to the front lines in Korea. After agreeing to draw straws to decide who would take this unwanted duty, Master Sergeant Keeble volunteered to take a short straw saying, "Somebody has to teach these kids how to fight."

The leadership and bravery Master Sergeant Keeble displayed in volunteering continued through his time in Korea. He was assigned to George Company, 19th Infantry Regiment, 24th Infantry Division. His strong character, robust leadership, and jungle combat experience brought him several quick promotions to the level of Master Sergeant. The Regimental leadership saw his potential, and placed him in charge of the first platoon.

On October 15, 1951, in a particularly bloody battle near Kumsong, North Korea, all of the officers of G Company were either wounded or killed in combat. Master Sergeant Keeble was among the wounded, but demanded he be released after treatment and volunteered to lead the 1st, 2nd, and 3rd Platoons in assaults against the enemy.

On October 17, Master Sergeant Keeble was again wounded, and again returned to battle after being treated. His actions on the following day, October 18, earned him the Silver Star for continuing to lead his men after being

hit by grenade shrapnel. During this battle, Master Sergeant Keeble suffered two bullet wounds to his left arm, a grenade blast near his face that nearly removed his nose, and a badly twisted knee. On October 19, doctors removed 83 pieces of shrapnel from Master Sergeant Keeble's wounds.

The following day, October 20, 1951, would prove to be Master Sergeant Keeble's most heroic. After insisting he be allowed back to combat, Master Sergeant Keeble cemented his place in history. While leading the 1st Platoon up a steep hill during this battle, he saw that machine gun fire from three enemy emplacements had pinned down the entire 2nd Platoon on the same hill. The steep, rocky terrain was of tactical importance and Master Sergeant Keeble took it upon himself to ensure the operation carried on.

Master Sergeant Keeble crawled ahead to the 2nd Platoon. He then continued to advance on the enemy by crawling forward on his own. Although the enemy began to train all of its fire on Master Sergeant Keeble, he continued to hug the ground and advance until he was close to the emplacements. He then activated a grenade and successfully destroyed one of the enemy positions. Continuing his assault, Master Sergeant Keeble moved towards the remaining two machine gun posts and single handedly destroyed both of them with grenades. After removing the last position, he was stunned with an enemy concussion grenade, but pressed on after he recovered. Master Sergeant Keeble then resumed his advance and neutralized the remaining enemy personnel with his rifle.

In all, Master Sergeant Keeble eliminated nine machine gunners and seven riflemen. His heroic determination to press on and endure enemy fire inspired his fellow servicemen to rally and continue advancing on the enemy. By the end of the campaign, Master Sergeant Keeble had received five separate wounds to his chest, both arms, and both legs. Despite all of these injuries, Master Sergeant Keeble only received one Purple Heart, with the Oak Leaf Cluster, bringing his total to two. He was also awarded the Distinguished Service Cross and the Bronze Star First Oak Leaf Cluster.

Although he has been recommended twice for the Medal of Honor, it was never granted. That is why I rise today and honor Master Sergeant Keeble for finally being recognized for his truly remarkable heroism and valor. While he died in 1982 in part due to complications resulting from his war injuries, I am sure he would be proud to know that he has finally been given this honor he earned long ago.

Master Sergeant Keeble stood proudly for his country, his tribe and his family. He was strong, humble, compassionate, and committed to defending freedom. His actions were extraordinary and his bravery overcame the chaos that surrounded him. Master

Sergeant Keeble once said, "There were terrible moments that encompassed a lifetime, an endlessness, when terror was so strong in me, that I could feel idiocy replace reason. Yet, I have never left my position, nor have I shirked hazardous duty. Fear did not make a coward out of me."

I am proud that next Monday, President Bush will be presenting this honor posthumously to Master Sergeant Woodrow Wilson "Woody" Keeble. His bravery is undoubtedly deserving of the Medal of Honor he has finally been awarded after a 55-year wait. The legacy he has left is a source of pride for his family, the Great Sioux Nation, and the country he nobly served.

Madam President, I would like to, if I might, shift gears and speak for a moment to some of the debate that has been going on on the Senate floor this week dealing with, primarily, the resolution that has been offered by the Senator from Wisconsin, Mr. FEINGOLD, dealing with the withdrawal from Iraq and also the more recent resolution which has been the subject of debate here today on the Senate floor. But I think it is important that we also, as we debate these issues, acknowledge the good work that has been done by our troops.

Make no mistake about it, we are making progress in Iraq. The Director of the Defense Intelligence Agency, GEN Michael Maples, who was this week here in Washington and testifying in front of the Armed Services Committee, commented that violence across Iraq has declined to its lowest level since April 2005 and violence against coalition troops is at the lowest level since March of 2004. Things are, indeed, trending in the right direction, especially compared to a year ago.

Although these trends are certainly reversible, the fact remains that the security situation in Iraq has improved significantly. The surge has and is working. The surge has worked despite relentless efforts to undermine it by several Members on the other side of the aisle.

At one point last year, we had people saying the surge had not accomplished anything. We heard a Democrat on the floor of the Senate saying that General Petraeus, our commander in Iraq who has so brilliantly led the surge, had been "made the de facto spokesman for what many of us believe to be a failed policy" and that "the reports you provide to us really require the willing suspension of disbelief." Thankfully, they were wrong—utterly wrong. Nevertheless, the other side is continuing their wrongheaded approach by offering legislation again this week that would undo all of the progress our troops have made in Iraq. Once again, the extreme left in this country has demanded a vote on cutting off funds for our troops and near immediate withdrawal from Iraq. The leadership on the other side continues to make obligatory gestures to satisfy that extreme leftwing base.

The Senate voted four times last year on versions of this bill that we debated earlier this week to cut off funds for the troops in Iraq, and on four separate occasions the Senate rejected it. The legislation was defeated by overwhelming bipartisan margins. It never received more than 29 votes. Yet again this week, we went through the exercise of having yet another debate on this issue.

I think it was about a year ago this week, actually, we had a rare Saturday session where Members were called back in to make votes on an Iraq withdrawal resolution, again designed to score political points to undermine progress in Iraq rather than to get anything else done.

I think it is important to note—as we think about how we best combat the terrorist threat we face in this country and how we assist those young men and women who are carrying that fight overseas for us—we find today the House of Representatives has adjourned for the week after having acted on, I think, the naming of five post offices, when the Foreign Intelligence Surveillance Act has still yet to be voted on in the House of Representatives.

The Senate, before we took off for our last recess, voted by a margin of 68 to 29 to pass the terrorist surveillance bill through the Senate. It had broad bipartisan support in the Senate. If it had been taken up on the floor of the House, it would have passed there with broad bipartisan support as well. Yet we have the House today adjourning to go home, having acted on five resolutions to name post offices, without addressing what is one of the most important issues we all need to deal with here; that is, making sure our intelligence community and our law enforcement community and our men and women in uniform have the tools at their disposal to do the job we asked them to do.

It is critical that the intelligence community have that legislation passed so we can close gaps in our intelligence collection. We need that to get a better understanding of international al-Qaida networks and to gain insight into future terrorist plans and to disrupt potential terrorist attacks.

So I would hope cooler heads will prevail around here, that Congress will do the right thing for the protection of the American people, the right thing to aid those who are diligently working day in and day out—those in our intelligence community, those in our law enforcement community, those men and women in uniform who are fighting to keep this country safe—that they have the tools at their disposal to carry out the important responsibility we have given them to protect Americans. Acting on the Foreign Intelligence Surveillance Act and giving our intelligence community, under this terrorist surveillance bill, the authorities it needs to intercept communications that are being conducted by terrorists around the world would be an



important place to start. Right now, we have a gap in that intelligence collection because the House has failed to act on this very important piece of legislation. It is irresponsible.

It is important that we put the politics of this matter aside and we deal with the important issues that will keep America safe and ensure future generations of Americans are not subject to terrorist attacks. So I hope my colleagues will get the message, will come back into session, and take care of business, which is to get this important legislation passed, and act with the Senate in a broad bipartisan way to put a bill on the President's desk that he can sign into law that will make sure our intelligence community has the resources and the tools they need.

Madam President, I yield back the remainder of my time.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Madam President, I have been talking often to my distinguished Republican colleague.

UNANIMOUS-CONSENT AGREEMENT—H.R. 3221

Madam President, I now ask unanimous consent that at 4:45 p.m. today, the motion to proceed to S. 2634 be withdrawn, and the time until then be equally divided and controlled between the leaders or their designees, with Senators permitted to speak for up to 10 minutes each, with the leaders controlling the 20 minutes prior to the vote and the majority leader controlling the final 10 minutes; that at 4:45 p.m. the Senate proceed to vote on the motion to invoke cloture on the motion to proceed to H.R. 3221.

The PRESIDING OFFICER. Is there objection?

Mr. MCCONNELL. Madam President, reserving the right to object.

The PRESIDING OFFICER. The Republican leader is recognized.

Mr. MCCONNELL. I thank the Chair. Reserving the right to object, Madam President, I would ask the majority leader if he would modify his consent request that if cloture is invoked on the motion to proceed and the Senate does indeed proceed to the bill, there then be up to five amendments per side related to housing and economic growth.

Mr. REID. Five amendments per side?

Mr. MCCONNELL. Related to housing and economic growth.

Mr. REID. Madam President, I am anxious to try to work something out. We have Republicans who have indicated to me they have amendments to offer. I have Democrats who have come to me and actually given me the language of amendments they want to offer. So it is not as if Republicans are the only ones who want to offer amendments to the housing stimulus package.

So the answer to the question is yes, but I just cannot give carte blanche. I will be as fair and reasonable as I can be. That is pretty wide. It does not require germaneness. It does not require

relevancy. All it requires is it be related to housing and something dealing with the economy. If cloture is invoked on this matter, I want to legislate. I think this bill, which I think is so essential to the American people, would be a much better piece of legislation if it were bipartisan in nature. So I don't know if that gives the Republicans enough comfort, but I will try to be fair. I want to try to work this out. I think the number of five is fine. They suggested three. I think five is fine. I am not going to be trying to micromanage what they do, but I think it is something that, in fairness, the Republican leader would want to see what amendments were going to be offered and he would have the ability to say no to that. I think I should have—I have an obligation, a right, to look at what they do.

I will repeat: I can't do any more than say I will try to be as fair as humanly possible. I acknowledge the legislation has some controversy, and that being the case, there should be amendments allowed on it and I will do my best.

Mr. MCCONNELL. Consequently, I gather the majority leader is objecting to my request that he modify his consent.

Mr. REID. Yes. I think it was kind of a weak objection to his modification, but it is one.

While the distinguished Republican leader is on the floor, I ask that my request be modified for the vote to occur at 4:55.

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

The Senator from Washington is recognized.

Mrs. MURRAY. Madam President, I ask unanimous consent to revise the previous consent order for the speakers on our side to be 5 minutes for the Senator from Washington, 5 minutes for the Senator from New York, 5 minutes for the Senator from North Dakota, and 5 minutes for the Senator from Connecticut.

Mr. REID. Madam President, I ask to have the vote at 4:56, because I have a brief statement. A police officer was killed in Nevada, if I could make a brief statement.

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

TRIBUTE TO TROOPER KARA KELLY-BORGOGNONE

Mr. REID. Madam President, it is with a heavy heart that I rise to honor Nevada State Trooper Kara Kelly-Borgognone.

On Monday night, she was killed responding to a terribly difficult assignment, where there was a suspected bomb at a gas station in Spanish Springs, NV, which is a suburb of Reno-Sparks. While en route to the scene, her patrol car was struck by a driver headed in the wrong direction.

Trooper Borgognone was rushed to Renown Regional Medical Center in critical condition. She succumbed to her injuries and died.

Trooper Kelly-Borgognone gave her life protecting the people of Nevada,

just as she did every day. Even in passing, she saved more lives by donating her organs.

In the final hours of her life, her brothers and sisters and the Nevada Highway Patrol stood guard by her side. They cared for and protected their fallen sister, just as they care for and protect us every day.

This is the way it is all over the country—not only in Nevada.

So today, as their solemn vigil—that is the police officers—comes to an end, standing with their fallen sister, we will try in some small way to share the burden of grief for police officers who fall all over America in the line of duty.

Our hearts and prayers are with the trooper's husband Dirk, and their two daughters, Blair and Ashlyn. I hope it is of some comfort for them to know the life of their mother and the life of Dirk's wife is a life that was given in service to the people of the State of Nevada.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington is recognized.

FORECLOSURE PREVENTION ACT

Mrs. MURRAY. Madam President, I rise this afternoon in support of the Foreclosure Prevention Act because we have to take action now to help so many families in this country who have been hurt in the mortgage and credit crisis.

The bill that we will hopefully vote to move to shortly is going to help provide the resources to keep our families in their homes, help our communities recover from this foreclosure crisis, and help struggling businesses to weather this shaky economy. The bill we will consider going to will provide some commonsense solutions to help address the problems that are at the heart of our country's economic woes. It is an opportunity finally for us to invest in our communities now so we can prevent millions of families from going into foreclosure.

I wish to share with the body quickly a story of a constituent from my home State, a man named Clifford, who lives in Olympia and who let me know about what happened to him, which is happening to so many Americans. He thought he had achieved the American dream by owning a home. His home, he said, represented stability to him. It was his investment in his future. But he, similar to many Americans, lost his job in a factory. The bills started stacking up. The stress wore on him and his family. His wife, who had diabetes, got sick and she had to have surgery. Before he knew it he was several months behind in his mortgage.

Suddenly, all his dreams for a secure future evaporated.

He told me how he struggled to work with his mortgage company and he couldn't catch up. Eventually, he made a phone call to Consumer Counseling Northwest, and through the help of that counseling, he was able to get his payments reduced with his mortgage



company, get back on track, and keep his family home.

That is why in this bill we are going to vote on, we have included critical funding for housing counseling that will allow our families across the country to make a phone call—not to their mortgage company to say I can't pay my bill but to a housing counselor who can sit down with them and their family to get their finances back in order so they do not have to go to foreclosure.

We know the housing crisis is impacting millions of families. In fact, experts tell us it may impact as many as 2 million families in this coming year alone. We can help prevent that if we can give these families a place to go, a counselor to help them, and the ability to be able to manage their finances.

Why is it so important? Not just for those families who lose all their wealth and their home if they have to foreclose but for the neighborhood: So their home doesn't become a blight in the neighborhood, losing the value in the rest of the homes; so their community and neighborhood is safe and so we are strengthening the economy.

These and many other provisions we will hear about as my colleagues talk about this bill are critical. We cannot wait for another year. We can't wait and see what happens in June or September or December. We need to act now, and I urge my colleagues in the Senate to vote with us for cloture to move to the housing bill we are proposing today—the Foreclosure Prevention Act—so we can begin the process to help families stay in their homes.

I yield the floor.

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

Mr. SCHUMER. Madam President, I, too, rise in support of this outstanding bill. The bottom line is, despite what the President said today, most Americans feel we are in an economically difficult times. The President says we are not in recession. The President doesn't think we are going in recession. For most, the debate is not whether we are or will be in recession but how deep it will be.

So the bottom line is very simple: We have to do something about this economy. There is no better way to turn the economy around, to prevent the recession from being long and deep, than dealing with the housing market because housing is at the center of the economic problems we have today. Housing is the bull's-eye at which we should aim if we want to rectify the economy.

The proposal before us is a good one. It has five important measures. They are modest, but they are thoughtful, and they are aimed right at where the problem is.

Now, our colleagues on the other side of the aisle are probably going to block our proposal. They are becoming the "Dr. No" of this Congress. We have a crisis; everyone knows housing is at

the heart of the crisis. No one believes the administration's voluntary ideas have worked. Yet we are hearing we shouldn't do anything that is governmental. That makes no sense.

Early this week we heard stay the course on the war in Iraq. Now we hear stay the course in terms of the economy. Don't you hear it? The American people want a change in course, a change in direction. We are trying to present that to them in a nonconfrontational way, in a way we had hoped and thought would be bipartisan. Because when we put this proposal together, we realized there were a couple of provisions—particularly the bankruptcy provision—that others objected to, but the rest of the provisions seemed quite unobjectionable. Yet here we are hearing, for instance, from the administration that we don't need more housing counselors because we have already allocated \$180 million. That was our proposal. In fact, I originated it and had good help from Senator BROWN and Senator CASEY and then Senator MURRAY, who helped put it into the omnibus bill. But of that \$180 million, \$130 million is gone already. It shows you the need. Do we need some more mortgage revenue bonds? Many States are tapped out and cannot help mortgagors, even if they wanted to. Loss carry forwards will help those who build homes move forward for getting out of the housing recession. Yet the administration and most of my colleagues on the other side of the aisle seem to just say no.

My colleague from Georgia has a very interesting proposal that I would certainly entertain. What we ought to be doing on this bill is having a debate, offering amendments relevant to housing—not the future of the country and not whether we should extend the President's tax cuts or the estate tax; that is irrelevant to this bill—but having a debate on provisions such as those in our bill, debate on the provisions such as the ones from the Senator from Georgia and come up with a product that can help move us forward. Instead, all we hear from the minority leader is no, no, no, no.

The economy is in a degree of serious trouble. The housing market is at the core of that trouble. There are 2 million homeowners who will be foreclosed upon, most of whom through no fault of their own. Those foreclosures will help bring the economy further down. Why don't we do something careful, targeted, modest, and not terribly expensive?

The only thing I hear from the President anyway is: Well, Government shouldn't be involved. That is the reasoning of maybe McKinley, maybe Hoover but certainly not Republicans in the post World War II era. All of a sudden, we are having a throwback to these earlier days. Unfortunately, if we adhere to that kind of thinking, the boom and bust cycles that have plagued the American family will continue.

So I urge this administration to change its mind. I urge my colleagues on the other side of the aisle who seek a degree of bipartisanship to reach out to us and work with us. We will modify our provisions, change some, maybe even drop one or two to get a good product. Please don't just say no. Please don't say the only thing we should debate is the same thing we have debated before: whether we should extend the President's tax cuts. We have been there, done that. We have new problems and we need a new direction. This bill begins to provide it. I hope my colleagues will support it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. ISAKSON. Madam President, I wish to acknowledge the kind remarks of Senator SCHUMER with regard to a proposal I have made. For the public's edification and amplification, nobody over here is just saying no, except the majority leader just said no to offering our amendments to the stimulus package we want cloture on. What we are going through right now are some gymnastics and the gymnastics are this. Members on both sides of the aisle want to do something because we do recognize there is a housing problem, because there are ways we can help the American public. But you can't address all those ways if you don't allow all those ideas to be debated as a part of the amendment process on the legislation.

So I appreciate the kind remarks of the Senator regarding my proposal, but a favorable comment doesn't do us any good if you can't offer the amendment on the floor. I don't think I have all the good ideas. I don't think they have all the good ideas. I think, collectively, we probably do have all the good ideas. But this is not about just saying no. This is us saying yes to a process that is open, a process that is debatable, a process where we can reach out and try and help the American people, particularly those who are having great difficulty because of the housing market today.

So I wished to throw that in. My remarks were intended to be about Iraq, which I am going to close with, but I had to respond to the statements the Senator from New York made.

Mr. MARTINEZ. Madam President, would the Senator from Georgia yield for a moment before you go to the Iraq comments?

Mr. ISAKSON. I am happy to yield.

Mr. MARTINEZ. I wished to follow up on the Senator's comments because there are a number of amendments that would be worth considering when we look at the problem we are facing.

First, I heard the Senator from New York. He is wrong to suggest that the President and the Republicans do not understand there is a problem in America. People are being foreclosed on, and there are families sitting at the kitchen table to see how to save that precious piece of the American dream

they have—their home. We are trying to help in that regard as well.

The stimulus package we did a few days ago was a bipartisan measure. What we should do now with the housing package is work that as a bipartisan idea as well, coming together as both Republicans and Democrats to make it better. The Senator from Georgia has a terrific idea, one I support and I think would make a lot of sense in the current situation in Florida in the housing market, and there are a number of other ideas. One has to do with whether mortgage brokers—Senator FEINSTEIN and I bipartisanly have come together on this—whether there ought to be a national registry for mortgage brokers. Senator CARPER and I have worked together on a number of things that would improve the housing passage.

We cannot simply say or follow a pattern that seems to be the current pattern in the Senate, which is that it is put forward by the majority, which then forecloses the ability of the minority to have amendments. The minority leader proposed five amendments per side, and that was rejected. This bill will go down if all they want is a symbolic moment for the Senator from New York to tell the Republicans how they are heartless and don't care about the poor and don't understand that America has problems with housing, and then we will go about our business as usual. If they do that, cloture will not be invoked and nothing will be done. Five amendments to a side seems to be a reasonable way of doing it if we want to get something done.

Mr. ISAKSON. Madam President, I thank the Senator from Florida, and I acknowledge that he is a former Secretary of the Department of Housing and Urban Development, who has done tremendous work on the housing issue. I concur with each of his remarks.

I will close with this. When you talk about “just say no,” we ought to have been on the stimulus debate when we got back here on Tuesday. For some reason, and because the majority wanted to, we have been debating the Iraq situation while the stimulus and housing sit on the sidelines. I hope we can get through these gymnastics and get to a situation where we can debate good ideas on both sides and not preclude and leave people out. Instead of saying “just say no” to amendments and to a sincere effort, say yes to what this body is all about: deliberation, decisions, and doing what is right for the people of America.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. DORGAN. Madam President, I would not try to make a deal on behalf of the majority leader, but my guess is that if the other side is agreeable to amendments that deal with housing, we would probably have an agreement. Every time we put something on the floor, we get an abortion amendment or an amendment to provide tax breaks

for wealthy people. I would guess that if there are housing amendments, Senator REID will want to visit with Senator MCCONNELL about this.

#### STRATEGIC PETROLEUM RESERVE

Mr. President, I want to speak for a moment about what happened today. [cnmmoney.com](http://cnmmoney.com) says:

Pain in the pocketbook within a few weeks. Gas could cost \$3.50 a gallon. By spring, the price could hit \$4 a gallon.

While there are predictions of \$3.50 and \$4 a gallon for gasoline, we still have the U.S. Department of Energy putting oil underground in the Strategic Petroleum Reserve. They have been putting 50,000 and 60,000 barrels a day. By the way, in the second half of the year, I have been told that they plan to put as much as 125,000 barrels a day.

When the price of oil is around \$100 a barrel, as it was trading at \$102 barrels earlier today, it is putting upward pressure on gas prices. Our Government is taking oil from the Gulf of Mexico in the form of oil-in-kind transfers and putting it into a reserve. Instead of putting that oil into the supply pipeline to reduce prices, they are sticking it underground. The Energy Information Administration indicates that, on average, the price of regular gasoline last February was \$2.22; in August, \$2.78; in February, \$3.02; and it is headed north.

Yet, the U.S. Government takes royalty-in-kind oil, and our Department of Energy is sticking it underground in big salt caverns to save it for a rainy day. They are putting it in the SPR, the Strategic Petroleum Reserve.

I support the SPR, but it is about 97 percent full. Why on Earth would we put upward pressure on oil and gas prices to take \$100-a-barrel oil and stick it underground? Here is where it is going: Bayou Choctaw, West Hackberry, Big Hill, and Bryan Mound. These are the locations where the Department of Energy is sticking it underground. It makes no sense at this time when prices are so high.

I have introduced bipartisan legislation and intend to try to move it on an appropriations bill, if I must, to stop this. There is no reason to take 50,000 or 60,000 barrels a day out of supply. This especially includes sweet light crude. This is a subset of all oil, sweet light crude, which is even more valuable. We have heard testimony at a hearing before the Energy Committee that indicates that this diversion of light sweet crude could add as much as \$10 to a barrel of light sweet crude trading on the market. It is putting upward pressure on prices.

In addition to this, there is unbelievable speculation going on in the futures market. Fidel Gheit, with Oppenheimer & Company, testified:

There is absolutely no shortage of oil. . . . I am convinced that oil prices should not be a dime over \$55 a barrel. Oil speculators include the largest financial institutions in the world. I call it the world's largest gambling hall. It is open 24/7. Unfortunately, it is to-

tally unregulated. This is like a highway with no cops and no speed limit and everybody going 120 miles per hour.

Investment banks are buying their own storage capability to keep the oil off the market. As he says, this is a 24/7 gambling hall. Who pays the price for this unbelievable speculation? It is the American consumer that pays with ever higher prices for oil and gasoline. There are experts who say the price of a barrel of oil is trading at least \$30 above where it is justified in being, given all other issues between supply and demand.

In addition to this lack of regulation of hedge funds and other activities in this carnival of greed, there is excess speculation in the futures market. On top of that as I have indicated, our own Government is making it worse by taking oil and sticking it underground. It is not rocket science when oil is where it is and gasoline prices are where they are and headed north.

The President, when asked about that today in the news conference, said, “I have not heard this \$4 issue.” Well, read the newspapers from time to time. Gas prices are going through the roof. This Government is sticking oil underground and putting upward pressure on prices. There is no justification for doing this. We ought to have a pause, and we ought to say to the Administration that the 50,000, 60,000, or 70,000 barrels a day being put in storage today is impacting prices. It may be 125,000 barrels in the second half of the year if the Administration gets its way. This oil needs to go into the supply stream, and that would put downward pressure on gas and oil prices.

Some say, well, it is a populist issue. You ought to produce more domestically. Here is where we should produce. Some of us were cosponsors of a bill that became law in 2006 to begin that production in what is known as the Lease Sale 181 area of the Gulf of Mexico. I agree with that. The Gulf of Mexico is our greatest resource asset. I think putting this oil in the ground at this point is nuts, and we need to stand up for consumers and for a decent price for oil and gas. We ought not have a government policy that makes things worse.

My understanding is that my 5 minutes is up. I will speak about this subject later.

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

Mr. GREGG. Madam President, I wanted to speak a little bit to the situation we find ourselves in. We have been here before. This is “deja vu all over again,” to quote Yogi Berra. We were under the same stricture when we were debating the agriculture bill a couple months ago. The Senate, by definition, is an institution that is supposed to work its will on legislation. The legislation doesn't come to the Senate under a closed rule as they have

in the House, where the House leadership says this amendment will be offered, and that amendment will be offered, and time will expire and we have to vote. The whole concept of the Senate is that you have an open and free-flowing debate, where people can bring their thoughts to the floor. You don't limit amendments and they can be on about anything. As a practical matter, the Senate then votes after it has fully digested the various ideas that have been put forward.

This approach the Senate has always taken was first defined and most effectively defined, ironically, by George Washington, when he said that the Senate is the saucer into which the hot coffee is poured—the coffee being the House ideas. Now, the majority leader seems to view the Senate as an adjunct of the House, that we should actually be a replication of the House, that the majority leader should have the unilateral right, first, to bring a bill to the floor, which he has done, but once he does that, he should not have the unilateral right to determine what the amendments will be, how many will occur, and how long the debate will be on those amendments.

This is not an autocratic institution. In fact, the Senate is about as far from an autocracy as you can get. Each Senator has the capacity to have a fairly strong impact around here. Each Senator has the right, under the rules of the Senate, to make their case. So the majority leader should not be surprised when he suggests he is going to immediately file cloture on a bill—which is fairly substantive—stimulus II, as it is called—in order to shut off amendments from our side, our side is going to say, no, that is not the way the Senate works. We want to be heard. We want to be able to have the capacity to have our amendments.

The package they are talking about bringing forward may not be a stimulus at all. In fact, it may be the antistimulus package. What they are suggesting is a change in bankruptcy laws that will raise the cost of mortgage insurance—and it is estimated by 1 percentage point—for all Americans who try to get a mortgage after this, if this law were to become effective. It is populist politics, no question about that. You can beat the desk and say we are going to give relief to mortgages by allowing people to go into bankruptcy court and write their mortgages down. But the practical effect of that will be that the market will react and mortgage prices will go up, because people who lend money will have to anticipate that risk. That is what interest rates on mortgages account for—the risk of repayment of that money.

So it is a terrible idea, the practical implications of which will be not to stimulate the housing market but to undermine the housing market. There are initiatives here that might stimulate the economy; some have to do with housing. The Senator from Georgia has a superb idea. But some are

tangential to the housing issue but would have a significant impact on our economy. For example, we could begin the process of straightening out our health care system. That would certainly help the economy. We could extend the dividend and capital gains rates. That would have a huge impact on our economy, if people knew they were going to have an extension of the capital gains rates. We could address the issue of employing and attracting to America more smart people to work in America, so they could be individual engines for economic activity, by extending the H-1B program.

There are a lot of good ideas that could stimulate this economy. There is absolutely no reason that the majority leader should try to use his position as majority leader to shut down the opportunity of the minority to bring those ideas and amendments forward. Let's vote on them. I can understand that the majority leader wants to move things along, and he does not want to have his Members make any difficult votes. That is his responsibility, I suppose to some degree, as leader. That is not the way the Senate works. The Senate is designed to be a place where you can put forward challenging ideas, debate them, and then vote on them.

We can deal with this bill in a fairly prompt way, but we cannot deal with it in a prompt way if those of us on our side of the aisle who believe we have some good ideas that maybe the majority leader does not like are not allowed to bring those ideas forward as to how to stimulate this economy.

We went through this exercise on the Agriculture bill, and it did not work. The leadership of the Senate and the majority leader finally decided we better get to the amendment process after 2 weeks of basically trying to shut down the amendment process.

There is no reason to go through this process again. Let's have an open amendment process where we in the minority agree to a certain number of amendments, but we certainly are not going to agree to preclear those amendments with the majority leader because he does not have that authority under the way the Senate works.

Madam President, I will have to oppose cloture on this bill at this time, although I would certainly like to see us get to this bill and do some serious consideration of how we stimulate this economy because I would like to see us extend the capital gains rates, extend the dividend rates, bring more smart people into this country to energize our economy, and address our health care needs to energize our economy. Those are issues I would like to see debated and voted on as we move forward.

Madam President, I yield the floor.

Mr. SESSIONS. Madam President, what is the time agreement?

The PRESIDING OFFICER. There is 11 minute 27 seconds for the minority and 8 minutes 18 seconds for the majority.

Mr. SESSIONS. Madam President, my colleagues desire to do a colloquy. I am pleased to yield to them as long as there is some time left somewhere along the way. I yield the floor, and I ask unanimous consent that I be recognized after this colloquy concludes.

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

The Senator from Delaware is recognized.

Mr. CARPER. Madam President, I understand the time that has been allocated—I think 8 minutes left on our side—is leader time that has been allocated to Senator DODD, the chairman of the Banking Committee. He is not going to be here until after the vote to use that time. Our staff has been good to say that the time might be made available to me. I wish to enter into a colloquy, if I may, with Senator MARTINEZ, who is a former Secretary of HUD in a previous life and a valued member of the Senate Banking Committee.

We are going to have a vote in a few minutes on whether to proceed to a housing recovery package which has a number of positive elements in it. It is one that was largely put together by the Democratic side, but there is a willingness on our side to certainly accept amendments offered by our Republican friends.

As it turns out, the administration's top three priorities, as Senator MARTINEZ knows, in the housing recovery package that we might go to at this time would be GSE regulatory reform for Fannie Mae, Freddie Mac, and the Federal Home Loan Banks, FHA modernization, and it would also include the ability for State housing authorities to issue additional taxes and revenue bonds that can be used for helping refinance homes that are going or have gone into foreclosure. Those are the top three proposals of the administration. The third one is actually in our Democratic proposal on housing recovery. The other two, Chairman DODD and Senator SHELBY met, I am told last night, with the ranking Republican and the chairman on the House side on FHA modernization, and they have made good progress toward a final consensus, maybe a good preconference agreement. On GSE reform, the House has passed by a wide margin legislation to provide for that regulatory reform and also to provide for the creation of an affordable housing fund, something strongly pushed and supported by Senator JACK REED for a number of years.

There is a whole lot, frankly, that we have in common. We are going to vote in a few minutes on a motion to invoke cloture on the motion to proceed to the proposal that was brought to the floor by our Democratic leader. My fear is we are not going to get consent to proceed to the bill, which, on the face of it, is unfortunate because I believe there is a whole lot more agreement here than one might imagine.

I yield to my friend from Florida to add to this discussion and take away

whatever he might wish. I actually believe there is more in common by far than there is in disharmony.

Mr. MARTINEZ. Madam President, I appreciate the Senator's efforts to move this process forward. He and I have been committed to the idea that there are problems the American people are facing as it relates to housing that are impacting the overall economy, and we need to act.

I agree with the ideas the Senator has put forward. There are a number of other good ideas out there. Senator FEINSTEIN and myself have cosponsored a bill regarding mortgage brokers. The proposal by Senator ISAKSON from Georgia, while perhaps a modification might be appropriate in terms of the cost of it, I think is a great idea. The idea is that we encourage families, through tax incentives, to buy homes, unoccupied homes, foreclosed homes, to try to lower the inventory of unoccupied homes; to do, frankly, part of what I don't believe is a terrific idea, which is to increase CDBG to deal with neighborhoods where there are foreclosures going on. I think a better idea is to put people in those homes through tax incentives. These are debatable points. They are good ideas that can be commonly shared.

The whole point is, we have to stick with it. This ought to not just be a symbolic act today to say: Oh, gee, we tried to do something on housing, and in a typical way, we each went to our respective corners and could not agree. We have to keep working on this issue. We are not that far apart. The ideas are mutually understood. GSE reform has been on the table a long time, and it has to be done. On FHA modernization, I know that Ranking Member SHELBY, Chairman DODD, and the House Members have been working diligently to get to something on that. We are close on that issue. That could be part of this package. Those things will help create more liquidity in the mortgage market, they will help put Americans back in the housing business.

The news today on the mortgage and housing starts was not good news. I was fortunate when I was at HUD that the news only got better every month. This month's news on housing starts, on the price of homes dropping, issues such as these, is not encouraging. We have to act. We have an obligation to act, not just make a political point.

I yield the floor.

Mr. CARPER. Reclaiming my time, Madam President, I say in conclusion that the American people want us to get things done. They want us to address the mortgage crisis. There is a way to do that that involves some very good Democratic ideas and some very good Republican ideas. Frankly, there are a number of good ideas we share in common, and there is a whole lot more we share than we do not.

At the end of the day, I think Senator ISAKSON's tax credit idea could be accepted in some form to go with some

increase in CDBGs, community development block grants. We could do both, maybe not as much of either as was originally proposed but a little of both. Let's see how they work and then, after a year or so, see if there is one or the other that makes more sense to do additionally.

I think what is going to happen today, unfortunately, is we are going to have this vote on a motion to invoke cloture on the motion to proceed on the housing package. It is going to go down. My hope is that as soon as it goes down, if it does, my leader, Senator REID, and the Republican leader, Senator MCCONNELL, will go through a finite list of amendments, maybe five or so on a side. We are not interested in nongermane amendments. We are interested in amendments that speak directly to the housing crisis on our side and the Republican side, and we ought to be able to define that list. Senator ISAKSON's idea is one. Senator MARTINEZ has a couple of good ideas, one he shares with Senator FEINSTEIN. Senator SPECTER has some ideas on bankruptcy provisions that I may not support, but they certainly deserve to be debated and heard. And we have some ideas on our side as well.

My hope is, again, if this goes down today, that it is just a hiccup and not a heart attack, that we are going to come back and actually go to work to develop a consensus package that I know is there. It is literally there within our grasp. We can have not just a Democratic or a Republican win or a win for the administration, but we are going to have a win for the hundreds of thousands of people who are in danger of losing their homes. We can do something about this in the next several days, and we need to. I am going to join hands and arms with my colleagues, Senator MARTINEZ, Senator DODD, Senator SHELBY, and others who care as passionately about this issue as we do, to join our leaders in making sure we do get the job done.

I yield back whatever time I have remaining. I thank my friend from Alabama for his graciousness in yielding time.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SESSIONS. Madam President, what is our time on this side?

The PRESIDING OFFICER. There is 8 minutes 8 seconds remaining. The majority has 3 minutes 40 seconds.

Mr. SESSIONS. Madam President, I understand the pending business has been the legislation by Senator FEINGOLD, Senator REID, and Senator MENENDEZ to require another report within 60 days involving the Secretary of Defense, Secretary of State, Secretary of Homeland Security, the Chairman of the Joint Chiefs of Staff, and the Director of National Intelligence. All of them are supposed to drop the war on terrorism they are leading and have explained to us repeatedly and in meticulous detail and write another report.

They keep asking for reports. They asked for a report by General Petraeus when we sent him to Iraq last summer. We voted overwhelmingly, a bipartisan vote, to send him. We were worried at the time, I have to admit, about how things were going in Iraq. I remember asking him: General Petraeus, if things don't get better, if you believe we cannot be successful, will you tell us? He said that he would. He also said he believed we could be successful if we utilized the plans and ideas and programs he was going to execute and was executing. He went and he came back and gave us a report in September. GEN Jimmy Jones, a retired Marine general, and 12 other participants went to the region and returned to give us a report, as did the Government Accountability Office.

We heard all those reports, and we sent General Petraeus forward and we said, continue on, because we were beginning by September to see some substantial reduction in violence in the neighborhoods in Iraq. We didn't know if it was permanent, how far it would go, but the trends were beginning, for at least a few weeks prior to his report, to look considerably better.

As a result of all of that, we allowed General Petraeus to continue with the plan as he explained to us because we evaluated that the strategy he was implementing was working. Since then, we continue to see the most miraculous, one must say, reduction in violence—60, 80, 90 percent in some areas in the country, 60 percent nationwide reduction in violence. We have had circumstances where the local people have joined in awakening groups, or citizens groups, and have turned against al-Qaida. Some of the people had been working with al-Qaida, frankly, but they realized this was a violent, vicious, dominating group with whom they had no prospect of ever living peacefully.

General Conway, the Commandant of the Marine Corps, testified this morning before the Armed Services Committee, of which I am a member, and he discussed that issue. The marines met with these local tribal leaders and made an arrangement, and they turned on al-Qaida, attacked them and have killed them, and they have helped us kill them because they do not agree with them anymore and they have learned the true nature of this group.

The violence is dropping, and Shia groups and councils and awakening groups are forming in other areas of the country. In Al Anbar, a mostly Sunni province, remarkable progress toward stability and a decline in violence has been made. So why do we want to ask for another report?

I note that this bill, S. 2634, was dropped in the same day and by the same people who authored the bill to demand a precipitous withdrawal from Iraq. The Iraq Study Group, an independent group, said that such a withdrawal would be a "victory of historic proportions" for al-Qaida.

I want to be frank: The people who are proposing this report, the people who have called for the precipitous withdrawal from Iraq want us out of there and do not care about any of the consequences.

We are a great nation. We committed our military. We committed our Nation. We committed our resources. We committed the lives of our military by more than a three-fourths vote to this enterprise, and in recent months we have had a most dramatic turn for the better. Why now would we want to promote a precipitous withdrawal? Why now would we demand more and more reports that, if read carefully, have no potential to lead to a constructive benefit toward the mission we have undertaken? I don't think it would do anything other than make it more difficult for our military, more difficult for General Petraeus and our Defense Department to be successful.

So I urge my colleagues to oppose this. Let's be mature as a nation. Let's not snatch defeat from the jaws of victory. This matter is not over, don't get me wrong. I don't portend to suggest in any way that these better numbers and downward trends in violence and progress made politically is guaranteed to continue. We are going to have hiccups and problems, I am certain, but it is certainly going in the right direction today.

I would urge us not to destabilize that, not to pass resolutions that can only be interpreted by our allies, by the Iraqis, by our own soldiers, sailors, airmen, and marines that are there in Iraq as an ambivalent attitude toward what they are doing, by placing their very lives at risk for this policy. Why in the world would we want to send such a message?

I think it would be a big mistake, and I ask my colleagues to join with me in opposing this legislation.

I thank the Chair and would ask how much time is left on this side.

The PRESIDING OFFICER. The Senator has 27 seconds remaining.

Mr. SESSIONS. I yield back the remaining time, and, Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. Without objection, the clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. LEVIN. Madam President, the mortgage foreclosure crisis in Michigan is dire. Nearly 80,000 homes are expected to be lost to foreclosure by 2009. Michigan ranks third in the country in foreclosure rates, and fifth in the country in number of foreclosure filings. Michigan has seen an increase in the number of foreclosure filings of 282 percent since 2005.

My State is not alone in this crisis, nor are homeowners facing foreclosure the only ones being affected. The entire

housing industry, and by many accounts our entire economy, is being dragged down by mounting mortgage woes. It is urgent that we move forward on this bill to address these problems and provide immediate help across the Nation. We need to keep families in their homes, and we need to keep this crisis from further weighing down our economy.

Recently, I convened a series of roundtable meetings in a number of Michigan communities. Leaders from local and State government, as well as organizations who are in the trenches working with families facing foreclosure, came together to discuss practical ways to help homeowners and protect our economy from further damage. When I asked for their feedback on this bill, they thought it would help address a number of the problems they highlighted.

Across Michigan, there are communities that would like to rehabilitate abandoned and foreclosed properties so that surrounding property values do not continue to fall. But currently the funds do not exist to do that. This bill provides \$4 billion in Federal block grants to areas with the highest foreclosure rates to help rehabilitate abandoned or foreclosed properties and prevent further damage to local housing values.

Across Michigan, foreclosure prevention counselors are overwhelmed, and a lack of funds is tying the hands of local groups trying to help keep families on track. This bill would provide \$200 million for this much needed preforeclosure counseling.

There are also many homeowners who are facing the financial pressures of owing more on their mortgages than the current dollar value of their houses, a situation known as being "underwater." There is a critical need for more affordable loans to help these families refinance and stay in their current homes. Most homeowners do not want to uproot their children and leave their community behind, even if the balance of their mortgage is greater than the current market value of their home.

This bill would help address this problem by authorizing States to issue \$10 billion in new tax-exempt bonds to help homeowners refinance adjustable rate mortgages. States will have the flexibility to use the proceeds of these bonds to refinance mortgages. This is a key component to turning the current mortgage market around.

Ameliorating our foreclosure crisis will require a team effort among Federal, State, and local governments, community and neighborhood organizations, and lenders, brokers, and borrowers. This bill recognizes that fact. It provides an opportunity to help keep struggling families in their homes. It provides an opportunity to help restore our housing markets so that families can own a home. It provides an opportunity to help keep declining property values stable. We need to take up this

bill now, debate it, consider amendments, and then pass it. To not do so would be to sit idly by while a multitude of Americans needlessly suffer.

Mr. McCONNELL. Madam President, momentarily we will be having a procedural vote, a cloture vote on a motion to proceed to what has been styled a housing bill. I will be urging my colleagues to oppose the cloture motion to proceed to the housing bill.

Having said that, it is my hope that at some point during the vote we will be able to negotiate between the majority and the minority a process for fairly considering alternatives, and I have had some discussions with the majority leader to that effect.

In fact, I offered a consent earlier this afternoon that there be up to five amendments per side permitted, if we turn to the bill. It is still my hope that at some point we will negotiate a process by which we can have fair consideration of alternatives.

Now, my colleagues and I just completed a news conference at which we laid out a comprehensive growth plan for America in a variety of different areas that most Republicans believe would advance the economic security of our country. Portions of that proposal might well be offered as an amendment to the underlying bill, were we to be permitted to do that.

It is my hope that the majority leader and I will have further discussions after this vote about a process by which we might be able to turn to the bill that would be fair to both sides. After all, I know there are some bipartisan discussions going on that will improve the bill. Senator CARPER has been in discussion with Senator MARTINEZ and others on both sides of the aisle with suggestions that might have bipartisan support that are not a part of the current proposal upon which we will have the procedural vote shortly.

So until such time as we can get an agreement that is fair to both sides, and gives other Senators who have ideas an opportunity to offer those ideas and have them voted on by the entire Senate, I urge my colleagues to oppose cloture on the motion to proceed to the proposal as it stands right now.

Hopefully, at some time in the near future we will have a chance to amend it, to modify it, to offer new suggestions to it to improve it, and maybe have the same kind of experience we had on the FISA earlier this year where we came together on a bipartisan basis and passed something overwhelmingly.

We had a similar experience at the end of the stimulus package in the Senate. We came together at the end and passed a package overwhelmingly. There is no good reason we cannot have an amalgam of both Democratic and Republican ideas added to this proposal that would strengthen it, make it more bipartisan, make it more likely that it would become law.

So for the short term, I would urge my Members to oppose cloture on the

motion to proceed. Hopefully, we will be able to work out some kind of process for handling this in a fair way.

I yield the floor.

The PRESIDING OFFICER. The majority leader.

Mr. REID. The reason the rules of the Senate are set up as they are is to give Senators the ability to protect themselves.

However, the motion to proceed has been abused. Everything that we have tried to do, everything—we have had to file cloture on a motion to proceed—is unnecessary. I have stated publicly for the press, everyone who would listen to me, that this is a piece of legislation that we should work on.

The Republicans, all Republicans, should understand they lose nothing by moving forward on the motion to proceed. If they find after that that the Democrats are totally unreasonable, then we do not get cloture on the bill. That is the procedure. Why waste all of this time, 30 hours? Why make us go through this process?

If cloture is not invoked, who knows if we will ever get back to the bill again. I will try. We will not go off it right away. I told my distinguished Republican colleague that.

America is facing a foreclosure crisis, a dramatic economic slowdown. Today the Commerce Department declared such. Yet at a press conference the President held today, he said America is not heading toward a recession. Who agrees with that other than the President? Countless economists disagree with that.

The American people know that whatever you call it—a slowdown, a slump, a downturn, or recession—people in every 1 of our 50 States are struggling to make ends meet and looking to us to set things right again.

The housing crisis is the eye of the economic storm. Here are the facts: The number of homes being foreclosed upon across the country rose 57 percent in January, last month. Home prices experienced the steepest drop in 20 years, sagging 9 percent in the final quarter of 2007, and the worst had not come by then.

Foreclosures are expected to exceed 2 million in the coming years. Nationwide, that would wipe out \$223 billion in home equity. Some of that is in neighboring homes. This does not include the lost value of homes that undergo the actual foreclosure process.

In Nevada, the numbers are worse: 95 percent increase in foreclosures last month, 61 percent in the Reno/Sparks area. The situation is bad and likely to get worse all over the country. But we have an opportunity today to make a responsible and necessary step to make things better.

My friends on the other side of the aisle are aware of these challenges. I think, and I respectfully say, it is a bad decision for Republicans to follow again the advice of the respected leader to not vote for cloture on a motion to proceed.

I repeat, if we get on the bill and you find that you do not like what is going on, there are 49 of you. Do not vote for cloture on the bill. My friends on the other side of the aisle are aware of all of the challenges we have. They read the same newspapers, attend the same hearings, live and visit the same neighborhoods around the country because all of the neighborhoods are the same, with rare exception.

They recognized the Nation's economic challenges by working with us to pass the Economic Stimulus Act of 2008. It did not have everything in it that I wanted passed. We passed something the President did not want. That is good. It was a bipartisan effort. That plan was a decent first step, but it was only a start, and I said so at the time.

Secretary Paulson, whom I admire, deserves credit, too, for helping to lead the mortgage industry to voluntarily respond. These efforts will help but, once again, they are just a step, a baby step. Less than 3 percent of the homes at risk would avoid foreclosure under the administration's plan; 97-plus percent would not.

This will help a little. I repeat, a baby step. Baby steps will not solve this crisis. A less than 3-percent improvement will not solve the crisis. We need more than baby steps, we need bolder steps. The bill now before us is a bolder step.

It will make a real tangible difference to homeowners, neighborhoods, and our economy. More than 700,000 families will benefit from this bill; 80,000 vacant foreclosed homes will be put back to productive use; 30,000 jobs and a \$10 billion boost in economic activity will be created.

This bill could be a real bipartisan accomplishment. It would be a sign to the American people all across this country that we can help. I hope my colleagues will support this cloture motion.

One of my friends who is great at working both sides of the aisle—my friend is a Democrat. He worked with a number of my friends on the other side of the aisle. And he said: Here are some of the amendments they want to offer. ISAKSON wants to offer a piece of legislation which is a tax credit for housing purchases. I like it. I think it would be a nice addition to our bill, would improve the bill.

Appraiser oversight and independence: Senator MARTINEZ, who was formerly the HUD Director and Cabinet officer, thinks there should be appraiser oversight and independence. I like it. That is a good idea. That is something we should debate and see if it should be put on this bill and approved.

I was told that Senator SPECTER wants to make some changes on the home mortgage bankruptcy provision. I do not agree with Senator SPECTER, but that is something that is valid and should be able to be offered on this piece of legislation.

All I am saying to my friends is they are making a big mistake by objecting

to our proceeding to this bill. There is no reasonable, rational reason for doing that other than to stall. I think that would be a shame.

I hope there would be an overwhelmingly bipartisan vote on this most important piece of legislation so that we can move forward on it and attempt to work something out on the amendment process. If we do not work anything out, I repeat for the third time in the last 10 minutes, they do not have to give us cloture on the bill. They have nothing to lose. There are 49 of them.

But I think they are sending the wrong message to the American people today, saying this bill we have, which calls for things the President says he wants done: revenue bonds—he called for that in the State of the Union—more money for mortgage counselors. That seems fairly reasonable to everybody. I think that is something we should do. The bankruptcy provision, which I think is such a step forward, the provision that we have dealing with community block grants is important to bring houses that are in foreclosure back to be a productive part of what we are doing.

Everything we have called for in this piece of legislation is reasonable and fair and sound. And we should do it. I would certainly hope that my friends on the other side of the aisle will stop doing what they are doing. I think it sends a terribly bad message to the American people: Republicans do not want to legislate on anything—anything, even the housing crisis.

I cannot imagine what they benefit from doing that other than slowing down the process. It will prevent us from doing something later on in the year. But we are going to continue to work on this legislation. If they defeat cloture, we are going to keep talking about it and talking about it because this is the eye of the storm. This is what is causing most of our problems in the economy.

The PRESIDING OFFICER. If all time is yielded back, under the previous order, the motion to proceed to S. 2634 is withdrawn.

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

##### CLOTURE MOTION

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

The assistant legislative clerk read as follows:

##### CLOTURE MOTION

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



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

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

The question is, Is it the sense of the Senate that the debate on the motion to proceed to H.R. 3221, a bill for the New Direction for Energy Independence, National Security, and Consumer Protection Act and the Renewable Energy and Energy Conservation Tax Act of 2007, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The assistant legislative clerk called the roll.

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

Mr. KYL. The following Senators are necessarily absent: the Senator from Oklahoma (Mr. COBURN), the Senator from Texas (Mrs. HUTCHISON), and the Senator from Arizona (Mr. MCCAIN).

The yeas and nays resulted—yeas 48, nays 46, as follows:

[Rollcall Vote No. 35 Leg.]

#### YEAS—48

Akaka	Feinstein	Mikulski
Baucus	Harkin	Murray
Bayh	Inouye	Nelson (FL)
Biden	Johnson	Nelson (NE)
Bingaman	Kennedy	Pryor
Boxer	Kerry	Reed
Brown	Klobuchar	Rockefeller
Cantwell	Kohl	Salazar
Cardin	Landrieu	Sanders
Carper	Lautenberg	Schumer
Casey	Leahy	Smith
Conrad	Levin	Stabenow
Dodd	Lieberman	Tester
Dorgan	Lincoln	Webb
Durbin	McCaskill	Whitehouse
Feingold	Menendez	Wyden

#### NAYS—46

Alexander	DeMint	Murkowski
Allard	Dole	Reid
Barrasso	Domenici	Roberts
Bennett	Ensign	Sessions
Bond	Enzi	Shelby
Brownback	Graham	Snowe
Bunning	Grassley	Specter
Burr	Gregg	Stevens
Chambliss	Hagel	Sununu
Cochran	Hatch	Thune
Coleman	Inhofe	Vitter
Collins	Isakson	Voinovich
Corker	Kyl	Warner
Cornyn	Lugar	Wicker
Craig	Martinez	
Crapo	McConnell	

#### NOT VOTING—6

Byrd	Coburn	McCain
Clinton	Hutchison	Obama

The PRESIDING OFFICER (Mrs. MCCASKILL). On this vote, the yeas are 48, the nays are 46. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

Mr. REID. Madam President, I now enter a motion to reconsider the vote by which cloture was not invoked on the motion to proceed.

The PRESIDING OFFICER. The motion is entered.

Mr. REID. Madam President, I now move to proceed to H.R. 3221, the housing stimulus legislation.

This motion is debatable; is that right, Madam Chair?

The PRESIDING OFFICER. The motion is pending.

Mr. REID. Madam President, everyone here within the sound of my voice should understand a minute ago there was a big victory. The people on Wall Street are high-fiving. They won again. The big banks won again. Mortgage bankers won again.

There are a few losers out there, such as millions of consumers, millions of people whose homes are going into foreclosure or about to go into foreclosure. They lost. But there has been a victory. There has been a victory. Anyone within the sound of my voice who does not understand what took place should understand what took place.

I had one of my Democratic Senators walk over to me and say Well, they are doing that because you filled the tree. That is wrong. It is not true. In fact, it is quite the opposite. I said: What do my friends have to lose by allowing us to proceed to legislate on this most important piece of legislation, housing stimulus? If, in fact, they do not like what happens with the legislating aspect of this—there are 49 of them—they would not give us cloture on the bill. But why not attempt to legislate this?

I indicated I have been told there are Republicans who wish to offer amendments. I, before this vote took place, said I think it is a good idea what they want to offer. One of them was by JOHNNY ISAKSON—a tax credit for housing purchases, a pretty good idea. I may not agree on the \$5,000 number; maybe it would be \$4,000. But I think it is a pretty good idea he came up with.

I said MEL MARTINEZ, who before coming to the Senate was a member of the President's Cabinet as HUD Secretary, has an idea about appraisal oversight and independence. I think it is a pretty good idea. He should be able to offer that amendment.

I do not agree with what Senator SPECTER wants to do; that is, to change the bankruptcy provision. But he should be able to offer that.

So any guise of not feeling that they are going to be treated fairly is a misdirection. Again, as has happened for such a long time since we took the majority—I recognize we have a slim majority, and it makes it very difficult to legislate, especially on the other side, when virtually everything is stopped.

On the last stimulus package we had, we got something from the House that had a rebate to individuals. We thought that should be changed, so we added, out of the Finance Committee, a lot of good things in that legislation. We added 21.5 million seniors, 250,000 disabled American veterans, and many of the things that are in the housing stimulus package.

It was defeated, and there were editorials written—obviously, my Republican friends pay no attention to them—that said it was the wrong thing to do, that the Republicans stopping our vision of what the stimulus package should be was wrong and not good for the country.

Well, I hope all those editorial writers understand what took place here. This was a very narrow piece of legislation we have been trying to move forward on—very narrow. It had five provisions in it, one of which the President called for in his State of the Union Message—revenue bonds—and the water has been carried over here by Senator JOHN KERRY.

We had a provision in this stimulus package that called for more money for counselors to deal with people who are losing their homes. They are out of money again. I do not think it is too outlandish to have mortgage counselors be able to sit down and talk to people about their homes.

We had a provision in here for CDBG moneys to go back to communities to work on homes that are being foreclosed upon. I think that is a step in the right direction.

We had a provision in this legislation that dealt with having these documents people deal with when they are buying a home more transparent. That came from Senator JACK REED of Rhode Island—a very nice piece of legislation.

Finally, we had in this piece of legislation something that I think is extremely important; that is, a piece of legislation, which makes up part of this, which says that if you have a home that is being foreclosed upon, you should be able to go to bankruptcy and see if you can work something out on that. The bankruptcy judge would be able to work with you.

Right now it is against the law to do that. If you have a primary home, and you want to buy a ranch to go play with on weekends or someplace on the beach, and you decide you run out of money later, you can go in and work with the bankruptcy court to try to refinance and readjust those loans—but not your primary residence. So my friend, Senator DURBIN from Illinois, has been working on this for a long time—it did not come about in the last week or two—saying people who are about to lose their primary residence should be able to have the auspices of the bankruptcy court to try to work something out. It is limited in time and scope—a very good piece of legislation; not a shotgun, a rifle shot.

Georgetown University did a study, and they said DURBIN's provision would not raise the interest rates a fraction of a hundredth of a percent—nothing, it would not affect it at all.

So I am at a loss—well, that is not true because it is obvious why it is being done. The stall is still on. The stall is still on. There is no reason in the world we should not be moving forward to try to work something out on

a housing stimulus package. It is simply unfair what my colleagues have done. At the last count, there was one Republican who voted to move forward on this legislation. There could be more, but I saw one.

Mr. MCCONNELL. Madam President, I listened with a certain level of incredulity to my good friend the majority leader discussing the vote we had a few moments ago. Of course, this was a measure not crafted by the Banking Committee led by Senator DODD and Senator SHELBY. I am not certain whether Senator DODD was consulted. I am fairly confident Senator SHELBY was not consulted.

We know there is widespread opposition to the so-called cram-down provision, and we know that almost everybody in America, apparently, with the exception of one study at Georgetown that I heard my good friend the majority leader quote, believes it will drive up interest rates for all Americans in order to presumably benefit some Americans. This is the kind of thing that happens when you have a hastily concocted political exercise, which it strikes me we just went through.

Now, the way to legislate in a body such as the Senate is to come up with a fair process for consideration. In fact, I offered it prior to the vote, I say to my good friend the majority leader, that we would go to the measure, take up five amendments on each side, and have a normal legislative process leading to actually making a law rather than trying to create an issue. So we are still very much interested in seeing what we can do in this area.

The majority leader mentioned the Isakson amendment. There is a lot of support on this side of the aisle for the Isakson amendment. I know there are conversations between Senator CARPER and Senator MARTINEZ that could conceivably lead to a bipartisan proposal that would enjoy support on both sides of the aisle. The way to achieve something such as that is through the consultative process that we frequently engage in around here when we are serious about legislating. So I would reiterate to my good friend the majority leader that I am open to any discussions for a unanimous consent agreement that gives both sides an opportunity to have their ideas considered.

We all know the Nation's economy is slowing. We all believe there is an appropriate role for the Government to play in trying to lessen that decline in the economy, and we are happy to try to work on a bipartisan basis to achieve a result, and that opportunity is still before us. Now that the box has been checked on the other side, maybe we can get serious now about trying to do something that will actually make a difference. I stand ready to talk to my good friend the majority leader about that at any time.

I yield the floor.

The PRESIDING OFFICER (Mr. NELSON of Florida). The majority leader is recognized.

Mr. REID. Mr. President, I don't know how to say this other than say it the way I feel. It is an insult to me to say I would bring a bill to the floor without talking to my chairmen. One thing I pride myself on is that when I took this job, I gave every one of my ranking members then, now my chairs, the absolute authority to run their committees, and I would not interfere with their committees.

Mr. MCCONNELL. Would the majority leader yield?

Mr. REID. No. I want the record to reflect I would never consider putting a piece of legislation on the floor without talking to my chairmen. I talked to Senator DODD, I talked to Senator LEAHY, I talked to Senator BAUCUS about what was going to be in this. So that is so farfetched that it is hard for me to conceive of how my friend could say that.

Mr. MCCONNELL. I didn't say it. I did not say it. That is why I was trying to get the majority leader to yield. I said I don't know whether you consulted with your chairmen. I am fairly confident you didn't consult with the ranking member, so my remarks don't need to be corrected since I didn't say it.

Mr. REID. Well, we will get the remarks and let the record speak for itself.

I would also say this: Yes, we have Georgetown, and we have a friend of mine whom I served in the House of Representatives with who is former Secretary of Housing and Urban Development, a Republican, and a card-carrying conservative—Jack Kemp—who thinks what we are doing is very good; in fact, he has written about it. This isn't something we threw together in 5 minutes. Most of this stuff was in the stimulus package they voted down before.

So the economists support what we are doing. It will not increase the bankruptcy provision of my friend, the senior Senator from Illinois; it will not increase the interest rates, this bankruptcy thing. We all know that. This piece of legislation is so important.

When my friend, the Republican leader, said he wanted five amendments—listen to the boundaries of the amendments—having to deal with housing and the economy, well, that is pretty wide-ranging. I told everybody who was within the sound of my voice, if we wanted to offer five amendments to this piece of legislation or any other piece of legislation, the Republican leader, rightfully so, would like to see what that amendment would say. I said the same applies to the Republicans. You can't have it both ways. If, in the process of trying to work something out it doesn't work out right, they have the ultimate big hammer here, and that is cloture. Two steps: One that we haven't used very much, except in the last year since we have gotten the majority, which is a motion to proceed and cloture on that. We didn't get that. It is too bad. But had we been

able to do that, we would have gone immediately to legislating on some of the things that I think are important.

I am very troubled about the normal legislative process. We haven't been in the normal legislative process for some time now, and I am anxious to do everything I can to move forward on this piece of legislation. It is obvious that my friends do not want to. I am sorry about that. But anyone who said this has been a hastily concocted political exercise is wrong.

Mr. SCHUMER. Would my colleague from Nevada yield for a question?

Mr. REID. I am happy to yield.

Mr. SCHUMER. Mr. President, I wish to ask my colleague from Nevada: Wouldn't it be true that the ambit the minority leader asked for would allow the other side to automatically have amendments on, say, renewing the President's tax cuts, or undoing what happened with the estate tax, and repealing the entire estate tax; nothing to do with this housing bill? That is my first question.

My second question is: If the minority leader showed the majority leader five amendments that were within the confines of this legislation—ideas such as the Isakson idea or the Martinez idea or others such as that—that he would willingly go along and we would come to the floor and debate the amendments and move the bill forward but that the parameters the minority leader has asked for would allow us to debate the whole—everything but the kitchen sink and bring up all these old saws that we have been through again; isn't that correct?

Mr. REID. I would say to my friend, I indicated I don't like what Senator SPECTER is trying to do with this bill. He has an absolute right to offer that, and he should be able to do that. What he wants to do basically is have a Durbin line—basically strike the provision on bankruptcy. I don't like that. But it is in keeping with what this legislation would be. The parameters I don't like have to do with housing and the economy. Now, try that one on.

Mr. SCHUMER. Mr. President, asking another question, that could mean renew the Bush tax cuts until 2025. That could be within the ambit of what the minority leader asked for; is that correct?

Mr. REID. That is true. I don't know how much more I can telegraph my punches. I said—you were present, Senator DURBIN was present, and Senator MURRAY was present when we met with scores of press people today. They said: Are you going to allow amendments? I said: Yes, happy to have amendments. Talk about telegraphing my punches.

One of my Democratic colleagues—I will mention his name because he would not care—Senator CARPER from Delaware, he said: Here are some amendments they might want to offer. How do you feel about that? Fine. I want to legislate to deal with the housing crisis. We have a housing crisis. I have one in Nevada, you have one in Illinois, you have one in New York, you

have a real big one in Michigan, and California has 25 percent of all the foreclosures in the country. Everywhere in America has a problem with that.

We could stimulate the economy. I defy anyone to say that what we are doing would not stimulate the economy.

Mr. SCHUMER. Mr. President, one more question to the leader: Has the minority leader shown the five amendments to us he wishes to offer, or he just sort of wants a *carte blanche*, more or less?

Mr. REID. I am the one who suggested the amendments that I have heard the Republicans want to offer. The answer is, no, I have not seen a single amendment. I didn't start talking about amendments this morning. When I moved to this piece of legislation, I told the distinguished Republican leader, let's work something out on amendments. The original number of five came from me.

Mr. SCHUMER. Is it a pretty fair assumption that what the minority leader is doing, maybe for himself, maybe for others in his caucus, is he wants an opportunity to get off the housing debate and go on to the old saws we always hear from them on, such as the estate tax, Bush tax cuts, and other things not relevant to this bill? Would that be a reasonable assumption, given the minority leader's actions?

Mr. REID. Yes. I say to my friend, things that have done so much good for our economy—so much good for our economy. We are upside down with red ink on everything.

So the answer is: Yes. We need more tax cuts, we need more money spent on wars around the country, around the world.

I don't know of anybody who thinks the economy is doing very well. Even today we had the President say things are not good, but we are not in a recession. I think the economists would totally disagree.

Mr. DURBIN. Would the majority leader yield for a question?

Mr. REID. I will yield.

Mr. DURBIN. Mr. President, I would like to ask the majority leader to reflect on what has happened this week: the routine motion in the Senate the motion to proceed—in other words, to start considering a measure—we have tried to do that three times this week.

Is it not true that the Republican minority has engineered efforts to stop a vote on changing the policy on the war in Iraq, has stopped a vote on having accountability in a report on the war on terrorism; and through the Chair I would ask, now with this measure has stopped an effort to try to bring some relief to the 2.2 million Americans from States all over who face foreclosure on their mortgages?

I would ask the majority leader, reflecting on what has happened this week, is this not a continuation of what we went through all last year when the Senate Republicans broke the record in the Senate with 62 filibusters?

Mr. REID. In 1 year. They broke a 2-year record in 1 year, and this is ongoing.

This is an extremely perplexing situation in which we find ourselves. For my friend, the distinguished Republican leader, to stand and say that it was incredulous what I had done. Incredulous? I am trying to legislate. I have a piece of legislation out here which has five provisions in it. Everyone knows what those five provisions are. No tricks, no filling the tree, let's work something out on amendments, and that is incredulous?

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. DODD. Mr. President, before the majority leader leaves and others leave, the majority whip, let me point out that just as these presentations were made, we had a long discussion, we had two caucuses, the Senate Democratic caucuses—not unlike when the Republicans have their conference every week—to talk about the various provisions. In fact, I made the presentation briefly before the caucus 2 weeks ago involving these various ideas. There were a lot of other ideas. There was an exclusive list in terms of what we could do in order to generate a new level of optimism in our economy mostly related to the housing crisis which is the epicenter of this problem.

So I want the record to reflect that as the chairman of the Senate Banking Committee, I know the chairman of the Finance Committee and the chairman of the Judiciary Committee, Senator LEAHY, were all involved in those discussions, as were others who had various other ideas as to whether to include them in a package, other amendments. This obviously was work in progress, but it is important that the record reflect that there was an ongoing conversation about this.

Mr. REID. Will my friend yield for a question?

Mr. DODD. I am happy to yield.

Mr. REID. I think the Senator would acknowledge there were things I wanted to put in this bill and he said it is not the right time to do it. I accepted his jurisdiction of the Banking Committee, and I called him and said, OK—I didn't say Mr. Chairman—I said OK, CHRIS, we will not put them in there. We had full consultation.

I am very proud of my chairs. The three whom I talked about are some of the best legislators this country has ever had. CHRIS DODD is certainly one of those. I feel this Senate and this country are in good hands with Senator DODD as chairman of that committee. I like his ranking member, Senator SHELBY and I served in the House together. He is a fine man. I say to my friend from Connecticut, to his credit—that is the Senator from Connecticut—he said: I don't have this thing or two worked out with DICK SHELBY yet. I think it would be better if we not do it. So I, harping on this—and perhaps it doesn't call for an an-

swer, but I admire and respect the work this Senator does in the Foreign Relations Committee, in the Banking Committee now as chair. He is a top-notch Senator.

Mr. DODD. Mr. President, I thank the leader very much for that, and he is absolutely correct. In fact, he raised an issue, and I said I haven't talked with Senator SHELBY and that is the reason he graciously acquiesced to my desire to keep a certain matter out of the committee proposal until we had an understanding. That is the way this body functions well, so you have to have that kind of relationship. You can make two choices. You can propose things and throw them out there in the hopes that something may happen, but usually they don't because you haven't bothered to consult, or you can do it the other way, which is slower, more deliberate, more frustrating in some ways, but ultimately you produce products people can support.

I wish to point out that in the last year, the Banking Committee marked up some 17 pieces of legislation and had 35 hearings. Of those 17 pieces of legislation, 7 of them have become law. There were only two negative votes cast against all those provisions because RICHARD SHELBY, the Senator from Alabama, the former chairman of the committee, and I worked those matters out in a way so our colleagues, almost unanimously in every case, were able to support us.

I intended to actually speak before the cloture vote and was unable to do so with the time constraints.

I want to express, if I can, over the next few minutes, my concerns about where we are economically in this country, as chairman of the Banking Committee. Today we had, once again, the Chairman of the Federal Reserve Board in front of the Banking Committee. Chairman Bernanke was before the committee reporting, as the law requires, on monetary policy. The conversation was not limited to that, as you might imagine. It covered the housing issues, foreclosure issues, as well as other questions under the jurisdiction of the Federal Reserve Board, as well as matters of concern to both Democrats and Republicans. Several weeks ago, we had Chairman Bernanke, Treasury Secretary Hank Paulson, as well as Christopher Cox, Chairman of the SEC, before the Committee to discuss with us a wide range of issues covering the economy of our Nation.

We have had hearings on a number of issues affecting the very question before us. A lot of this data has already been laid out by others, but it is worth repeating to give a sense of the magnitude of the problem. It is not exaggeration or hyperbole to suggest that we are in perilous times economically. This is not a normal downturn or sort of a problem that might go away in the next 6 or 8 months in the absence of us taking action.

Let me say, I am a great believer in market forces. Almost a year ago,

when this problem first emerged, as the new chairman of the Banking Committee, I convened the members of the committee along with the stakeholders involved in the housing crisis in the committee room of the Banking Committee. Senator RICHARD SHELBY, to his credit, was there as we listened to the stakeholders talking about what could be done absent legislation being passed, absent new regulations being formulated, in order to keep people in their homes who are facing foreclosure, and to minimize the problem of a growing number of economic dislocations as a result of this housing crisis.

We were urged back in May, absent any legislation, to let the marketplace work to develop a solution. For this Member, this is the ideal solution, when it can work. I don't believe you have to jump in with bills or regulations if the market can, in fact, provide answers. So we sat back and said, "let the market work."

To some extent, the market did work—it flushed out many of the bad operators. Unfortunately, what has not happened is that the stakeholders have not really done what I thought they were going to do, which is aggressively endeavor to help those people who are in trouble and facing delinquencies or are on the brink of foreclosure to keep people in their homes. This was not about helping investors. It was the owner-occupied homes we were concerned about.

Regrettably, I am here to tell you that a year later the number of people helped out by that request has been minimal. I will share the statistics of how small a number we are talking about. While the Secretary of the Treasury, Hank Paulson, whom I respect, still pursues and persists as he did again today, that this Hope Now Alliance effort may work, this Member is less than optimistic about that having watched the process fail to work for the past year, as the problem got larger. Today, the situation continues to deteriorate, and it is not limited to housing. That is the point I want to make at the outset.

There is a contagion effect that is spreading to other parts of the economy. So while I am disappointed that cloture was not invoked within the last hour, my hope is that the leaders would give us another opportunity in the coming days, before we go into that March recess, the Easter/Passover recess, to actually be able to put something together to present to our colleagues that might enjoy the bipartisan support that this issue deserves. So I appeal to them this evening, in addition to talking about the problem, to give Senators SHELBY, BAUCUS, LEAHY, SPECTER, and GRASSLEY, the ranking Republicans on the respective committees, a chance to pull some things together in the next several days and present that to our colleagues to see if we cannot do something about this issue. I make that plea this evening, and I am prepared to do whatever I can

to try to accommodate many various ideas. That is not to suggest that everything will be adopted, but it is worthy of this body's time to address itself to this issue.

The statistics I am about to share with you, I think, make the case more eloquently than anything I could say this evening about the perilous circumstances in which we are operating today. The economy slowed to a crawl at the end of last year. Economic growth was six-tenths of 1 percent. The data that we have received so far this year indicates the problem is going to get worse in 2008. The country lost jobs in January. That is the first time in 4 years that happened. Credit card delinquencies are on the rise as consumers find themselves increasingly unable to tap into the equity of their homes to help pay down their credit cards and other bills.

To put that into perspective, the median income of Americans is around \$48,000 a year, I believe. Consumer debt, revolving debt, on average, is \$9,300 and growing. Savings rates are negative. So in addition to the Federal deficit, we should talk about consumer debt in this country, which is growing. People's ability to resolve that growing debt problem has been significantly affected as a result of the loss of value in homes.

Lastly, inflation increased by 4.1 percent last year, the largest increase in 17 years, driven mainly by the rising cost of energy, food, and health care as well. Industrial production is flat, and we have been hemorrhaging jobs in the manufacturing sector. Our national economy is clearly in deep trouble. I don't enjoy saying that. That worries me.

One of the things I admire about Ben Bernanke, Chairman of the Federal Reserve Bank, is that he has been very clear about the problem. While we may not like to hear it, I am sure others would like him to paint a rosy picture about all of this. I think he is doing a good job as Chairman of the Federal Reserve in laying out clearly to the administration and Members of Congress the seriousness of this problem. He is judicious in his choice of words. He doesn't engage in alarmist language. If you listen carefully to what he is saying, it is not substantially different than what I am saying.

We are in perilous times economically, and we need to spend time on these issues in this body. We are charged with that by the American people. This issue demands our attention. I hope we can come back to it in the coming days.

The epicenter of this economic trouble is the housing crisis. In fact, the current housing market is the worst since the Great Depression. That is not hyperbole, Mr. President.

For example, this first chart is titled "Annual Change in Home Value." It indicates what home values have done over the last 8 years, from 2000 to 2008. In 2000, home values increased by al-

most 5 percent; in 2001, another 7 or 8 percent; and then another 8 percent; and in 2005 in excess of 10 percent; and then the price increases slowed in 2006. Then, for the first time nationally—not regionally—in 2007 we see declining values. In 2008, we expect to see an even deeper decline—in excess of 10 percent.

Mr. President, this is the first time since the Great Depression that home values have declined nationally. All of us are familiar with regional declines. We saw that in the late 1980s. But this is the first time that we have seen an annual drop in home values on a national basis. It is worthwhile to note that. It is a major concern. While many of us have experienced home price drops in our regions or local markets, 2007 was the first year since data has been kept that the U.S. had an annual decline nationwide on housing prices.

Case-Shiller data, released earlier this week, showed a 20-percent decline in home prices from the fourth quarter of 2006 to the fourth quarter of 2007, the steepest decline ever recorded.

Mr. President, these words I am using ought to put this in perspective and give some indication of how serious this is. These are the steepest declines ever recorded by this data.

A recent Moody's report forecasts that home values will drop in 2008 by 10 to 15 percent.

In 2007, as a whole, single-family home sales fell 13 percent. New home sales fell in excess of 40 percent—actually, 40.7 percent year over year in December, the weakest performance in 27 years. In January, home sales fell to their lowest levels in 9 years.

The inventory for existing homes for sale jumped by 5.5 percent in January alone and stands at over 4 million units, almost double the number in January of 2005. This is equal to over 10 months of supply. The ongoing glut of unsold homes means that home prices will continue to fall into the future. These are record numbers, in the last number of years.

We have not seen the worst of it, unfortunately. There are over 1 million borrowers with subprime and other exotic mortgages who are over 60 days delinquent. With about 1.8 million subprime ARMs, valued at about \$500 billion resetting to higher rates in the next 18 months, there is no doubt that this problem is going to deepen.

As a result, I will put up the second chart of official data. This says "New Homes Entering into Foreclosure." These are important numbers. Already, when I gave you the title of this, you began to see, obviously, what is happening in the fourth quarter of 2007. These numbers begin in the second quarter of 2005. I know it is hard to see. The first number is the second quarter of 2005. The numbers run from then to the fourth quarter of 2007, just ending a few months ago. You can get some idea of the homes entering foreclosure in this country. Again, it is in record numbers.

We are experiencing historic highs in both the rate of new foreclosures and the percentage of all loans in foreclosure, according to the Mortgage Bankers Association.

Mark Zandi, an economist at Moodys.com, estimates that 3 million loans will default between 2007 and mid-2009, of which 2 million will end in foreclosure sale. Over 23 percent of subprime loans are now 60 days or more delinquent in foreclosure. Those are huge numbers.

In January alone, Mr. President, foreclosures were up 57 percent, and bank repossessions were up 90 percent from January 2007, according to RealtyTrac data. There are currently 1.4 million families in foreclosure.

The third chart I want to show you gives you some idea of the magnitude of this in terms of dollars and cents. It is called "Foreclosures: Impacts on Families." At least 2.2 million families are losing their homes. That is a staggering number. We always see every year that there are some foreclosures. Now we are talking about numbers that are unprecedented. The loss in home equity in the neighborhoods is over \$165 billion. There will be a net loss of home ownership and wealth especially for African-American and Latino families. This is a significant problem.

The fourth chart says "Adjustable Rate Mortgages Currently Scheduled to Have Interest Rate Reset." I think everybody knows what I am talking about here the reset under what is called an ARM is an adjustable rate mortgage.

As an aside, ARMs can be a very attractive and valuable product for certain consumers. Frankly, these mortgages were marketed to too many people who, could not handle ARMs. I don't want ARMs to become a bad word, because they can be valuable for certain consumers in certain economic categories. But for many people they are dangerous.

Mr. SALAZAR. Will my friend yield for a unanimous consent request?

Mr. DODD. Certainly.

Mr. SALAZAR. I thank my friend. I was trying to figure out a speaking order because a number of Senators want to speak. I ask my friend about how much longer he expects to go.

Mr. DODD. Another 10 minutes.

Mr. SALAZAR. Mr. President, I ask unanimous consent that following the Senator's remarks, he be followed by Senators ALEXANDER for 5 minutes, WYDEN and SMITH for 10 minutes, followed by Senator CASEY for 5 minutes, and followed by Senator SALAZAR for 10 minutes, and Senator CASEY following Senator SALAZAR for as much time as he may consume.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. DODD. Mr. President, what happens under ARMs is that there is a teaser rate, which is very low. You lure people in with the teaser rate—and I

am now talking about people who should not be in ARMs.

Then, after the teaser period ends, the rate rises to the much higher fully indexed rate. What happens, of course, at a teaser rate, many people may be more than capable of meeting that obligation. Many mortgage brokers are marketing these products without being honest and forthright about what the fully indexed rate will be, and what the borrower's financial responsibility will be.

It is also important to state that borrowers have a responsibility as well as lenders. But in too many cases, those borrowers were being lured into situations that the brokers fully well knew that the borrowers were never going to be able to meet.

What are we looking at in this chart is the number of loans facing an interest rate reset, which means, when these higher rates kick in. We talk about resets occurring along the way. This chart is specifically designed to describe the reset problem.

Adjustable rate mortgages are currently scheduled to have interest rate resets, and the dollar value of mortgages that will reset is in the billions of dollars, to give some sense of the magnitude of the problem. This problem will last far beyond 2008. As this chart shows, even after the current subprime wave washes over us, we will face serious problems with interest-only and option-ARM resets for the next 4 years. In short, the problem is growing; not going away, but growing.

The crisis affects more than the families who will lose their homes. There will be an increased demand for social services, police, fire, and other services that ameliorate the impact of increases in foreclosed and abandoned property. You don't have to have a Ph.D. in housing to know the negative ripple effects on the community of abandoned and foreclosed properties that are sitting on the market. The value of neighboring homes, even if the neighbor is currently doing everything right, you don't have to be an expert in real estate to know that if your next-door neighbor or people on your street have an abandoned property, that it causes the home that you have taken care of, that you have done everything right by, to decrease in value.

Beyond the obvious impact of the foreclosure problem, there is a domino effect that is growing. Yet State and local governments have fewer resources, as we know, because as we have property foreclosed and not paying taxes, we find again the property taxes which most communities rely on for social services, police, fire, and the like also decline. That is what I want to show on this chart, the foreclosure impact on neighborhoods beyond the individual home.

Property values for each home within one-eighth mile of a foreclosed house dropped by an average of \$5,000. This was a study done in Chicago. I see my friend from Tennessee, LAMAR ALEX-

ANDER. I was talking with him about this a day or so ago. If you take a square block, which is roughly one-eighth of a square mile, when one foreclosure occurs in that area, then the property value of every other home on that city block, even though every other home is current in its mortgage obligations, taxes and the rest, the home values decline almost immediately by \$5,000. That is the study.

Again, it is bad enough to lose the one property, but what is happening to everyone else in that neighborhood is they are also suffering. That is what this number is designed to show.

The result of that is that somewhere between 44 and 50 million homes adjacent to subprime foreclosed property will lose value if the problem persists, and localities are going to lose—the estimates are somewhere from \$4.5 billion and \$5 billion in property taxes and other tax revenues as a result of foreclosed properties. The effects go far beyond the individual who is adversely affected by these issues.

Unfortunately, we are seeing the contagion spread beyond the mortgage markets to the capital markets as a whole, both in the United States and globally. Yet as the Federal Reserve chairman acknowledged at a Banking Committee hearing this morning, our country is in a worse position to deal with the fallout of the housing and financial market crisis we are experiencing than we were after the tech bubble burst that put us into the recession of 2001.

Former Federal Reserve Vice Chairman Alan Blinder puts it like this:

... the mortgage foreclosure problem grows and new strains in the financial system keep popping up like a not-very-funny version of whack-a-mole.

That is from a New York Times story of last week.

Many economists call this a negative feedback loop. It works like this: Homeowners, saddled with abusive mortgages that never should have been made and which they cannot afford, are forced into foreclosure at historic rates, forcing new homes to be sold into a marketplace already glutted with unsold homes. The rising supply pushes down home prices further, putting more borrowers under water and at risk, even borrowers with prime mortgages. Homeowners who can afford to pay their mortgages are seeing the equity they have built over the years evaporate before their eyes. According to Martin Feldstein, the chairman of President Reagan's Council of Economic Advisors, every 10-percent fall in home prices cuts household wealth by \$2 trillion and household spending by \$100 billion.

Let me repeat that. According to Martin Feldstein, every 10-percent fall in home prices—and we are watching that this year already and the estimates are for next year maybe as high as 15 percent—every 10-percent decline cuts household wealth by \$2 trillion and household spending by \$100 billion.

So if Moody's current estimate is correct that home prices will drop by 10 to 15 percent this year, household spending will fall by \$100 billion to \$150 billion, and household wealth will fall by \$2 trillion to \$3 trillion this year alone.

These losses do not stop with families who have lost their home equity. The securities backed by these loans, both subprime and increasingly by other higher quality mortgages, get downgraded, as we know, forcing banks and securities firms who own these securities to set aside billions of dollars against real or potential losses.

These write-downs, as they are called, and increased loss reserves reduce the ability of these institutions to lend any money, whether for mortgages or commercial loans, even to hire quality borrowers. Worse, the uncertainty about what the future might bring and what the subprime mortgage-backed securities might be worth are forcing these banks to hoard their capital against potential future disaster.

As a result, as Paul Ashworth, an economist with Capital Economics, in London said:

Rather ominously, borrowing costs for even most creditworthy of firms have started to rise.

As we know, homeowners who can still get mortgages have seen these rates rise. Banks are tightening their standards for both credit cards and commercial real estate loans, and home equity loans are being pulled as home prices declined, forcing families to find alternative means of financing their children's education, home repairs, and other activities.

Let me point out, we saw in this morning's newspapers that the Commonwealth of Pennsylvania—I see my good friend BOB CASEY from Pennsylvania—it was pointing out the difficulty that could occur this year with student loans. The State of Michigan last week reported a very similar situation.

So, once again, while we are talking about a housing crisis, we are already getting stories that student loans may not be as available for this year as they have been. This is now going beyond the issue of what happens with someone who gets their property foreclosed. It now could very well reach into the critical issue of student loans which are absolutely essential for middle-income working families so their children have an opportunity for higher education. That is how serious this problem is.

Businesses, universities, and public entities are finding it harder and harder and far more expensive to roll over their existing debt or to get credit at all. For example, we saw recently how the major Wall Street houses, from Morgan Stanley and Goldman Sachs to Citigroup and Merrill Lynch, have refused to commit capital to the auction rate market, a market that was supposed to allow investors to sell their debt each week via auction that sets

interest rates. As a result, many auctions are failing, saddling high-quality entities with absurdly high interest rates.

Two weeks ago, for instance, the Port Authority of New York and New Jersey was forced to pay 20-percent interest on its debt because their auction failed. Student loan programs, I mentioned a moment ago, in Michigan and Pennsylvania have also shut down—shut down, Mr. President.

Since last August, we have seen this negative feedback loop continue its downward spiral despite repeated rate cuts and other actions taken by the Federal Reserve and international central bankers intended to stem this tide. The result is a crisis of confidence that has serious implications for our country. Again, let me quote Professor Feldstein, who served as President Reagan's top economic adviser:

The principal cause for concern today is the paralysis of the credit markets. The collapse of confidence in credit markets is now preventing that necessary extension of credit. The decline of credit creation includes not only the banks but also the bond markets, hedge funds, insurance companies and mutual funds. Securitization, leveraged buyouts and credit insurance have also atrophied.

The catalyst of this downward economic spiral is the housing crisis, and the face of this housing crisis is the historic increase in foreclosures. Therefore, in my view, any serious effort to address our economic woes must include an effort to take on the foreclosure crisis. We have to begin there. If we do not deal with that issue, then we are flirting around with disaster, in my view, and avoiding the central question. So we must do something to slow the tide of foreclosures overcoming many of our citizens, and we need to give our local officials the tools and resources to cope with the increases in foreclosed properties.

In doing so, we will help break the downward cycle that is pushing our economy toward a recession if we are not already in the middle of one.

By acting, we can bring some certainty where today only uncertainty exists. We can help restore the confidence of consumers and investors that is absolutely indispensable to economic progress in our Nation.

There are some steps we have taken in the housing sphere already. Working closely with my friend, Senator RICHARD SHELBY, the ranking member of the Banking Committee, and the administration, we were able to pass the FHA reform legislation. We have started working with the House to resolve our differences. My hope is that within a few days, Senator SHELBY and I will be able to present to you a package that has been passed by both Houses.

I am committed to work with Senator SHELBY and the administration to pass a government-sponsored enterprise regulatory reform bill so that Fannie Mae, Freddie Mac, and the Federal Home Loan Banks can expand their efforts to help people stay in their homes.

The committee has held extensive oversight hearings on the problems that plague the housing markets, including a hearing on January 31 to look at the foreclosure issue. And there will be more hearings to come.

I do not contend that S. 2636 will solve all the problems. The bill, unfortunately, did not receive the necessary cloture votes. But it is a start, and it will help in a number of ways that were talked about.

I see my colleagues are anxious to speak as well. We heard about the provision on bankruptcy reform, which I support, about some tax provisions that would have made some difference, and I will leave the record to describe what other proposals are included, including the counseling provision that Senator SCHUMER, myself, and others have championed for a long time to help consumers, as well as community development block grants for cities to acquire and rehabilitate foreclosed properties.

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

Mr. DODD. Mr. President, I ask unanimous consent that I may proceed for 2 additional minutes.

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

Mr. DODD. Mr. President, obviously we are not going to get to this bill tonight. My hope would have been that, at this hour, we would have been debating amendments and ideas included in that package. That did not happen. That is no reason for this not to go forward in the future, however.

As I said at the outset of these remarks, I know all of my colleagues care about this issue. This is one of those moments when we have nothing less than the highest obligations to deal with this crisis. We ought to have enough ability to deal with this crisis, with the talent that exists in this Chamber, putting aside the ideological debates that go on here all the time. We will be indicted in the public's mind if we do not step up and address this issue. Ultimately if we do create the opportunity and ability to step in and do what needs to be done to address this situation, the blame will fall right here and the burden will fall on the taxpayers of America. We will be indicted, and should be, if we do not have the wisdom, the ability, the courage, the intestinal fortitude to step up to craft ideas that can make a difference.

My final plea this evening is to the leaders—and I know the majority leader feels as passionately about this as I do—and that is to set aside whatever else we are dealing with for a number of days to give those of us, as he has, and the responsibility of the committees involved to bring together a collection of these ideas to this Chamber and then set aside the necessary time over several days to debate them thoroughly as to how we ought to proceed and to present the American public with a series of notions and proposals that I think could make a difference on this issue.



I do not claim clairvoyance. I do not claim the result would be perfect. But I think the very act of acting has its benefits, putting aside whether we do all the things the American people would like us to do. The idea that the Senate, the Congress of the United States is stepping up to do something for the people who, at this very hour, are hanging by their collective fingernails wondering whether everything they saved and put aside for their lives is going to be lost in the coming days. There are millions and millions of people adversely affected.

It is not just the foreclosures. We are talking about 44 million to 50 million homes being adversely affected because we did not have the intestinal fortitude, wisdom, and desire to step up and make a difference, then we ought to be indicted.

So, Mr. President, I stand ready and prepared, as I know many others do, to sit down and work out a series of proposals to bring up before we depart here in 2 weeks for the Easter and Passover break to get this job done. And that is my offer this evening. I know I speak for Senator SHELBY and for the members of my committee, who care deeply about this issue as well, that we will do anything and everything we have to do to assist in this effort.

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

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, I stayed so that I could respond to not just the words but the spirit and the tone of the remarks of the Senator from Connecticut. He and Senator SHELBY, and their committee, are in the best position to help make sure we do our job between now and the upcoming recess, and on behalf of the Republican leader, I wish to say that is our goal.

Looking back just to the end of last year, this Senate was able to take up an energy bill, have a principled debate—including an argument about taxes—and come to a result. And we took a step—increasing fuel efficiency standards for the first time in 30 years—that, according to a top expert at the Oak Ridge National Laboratory, will do more than anything else Congress could do to reduce our dependence on foreign oil.

Then we took up the economic stimulus legislation, and it was a smaller package than almost any of us would have preferred, because we had different points of view, but we agreed on it. We had a vote that kept out \$40 billion in additional spending which that side wanted and this side largely didn't, but we came to a result, and the President signed it into law.

We did the same thing on intelligence, with a very difficult issue, liberty versus security, and how do we balance that. We had a Rockefeller-Bond proposal on the Foreign Intelligence Surveillance Act that finally

got 68 votes, and we sent it to the House.

That is three straight. Now here comes housing. There is no reason we can't have a result here. I think all that we are saying on this side is that while the Democratic proposal may be a good start, we think it needs a lot of work. We do not, for example, want to put into law a proposal that many feel might turn home mortgages into junk bonds. We have some ideas in addition to those which have been proposed that we would like considered.

There seems to be no reason in the world why the majority leader could not sit down with the Republican leader and say: Let's see if we can agree on a limited number of amendments. And we respect the fact that largely the Democratic side will want to pick its amendments, and we hope you will respect the fact that largely we would like to pick our amendments. Now, there is some negotiation there. It can't all be done out here tonight. But I think the point we would like to make is that there are 49 Republican Senators. We want to be a part of this solution, as we were in energy, as we were in with economic stimulus, as we were with intelligence, and we intend to be with housing as well. And we look to the chairman of the Banking Committee, Senator DODD, and to the ranking member, Senator SHELBY, and to Senators GRASSLEY and BAUCUS on the Finance Committee to help us get to that position early next week.

My colleagues will hear us on this side talking a lot about a pro-growth economic plan that goes beyond just housing—we believe in lower taxes, and we want lower health care costs and lower energy costs, and we want to implement the America COMPETES Act. We want a strong robust economy, and housing is a part of it. So there are some larger issues we might want to take up as part of the housing debate. Just which ones are appropriate ought to be something we could discuss and work out.

So I appreciate the spirit of the Senator's comments. Our spirit is that we have 49 Members on this side of the aisle, and we would like to have our ideas included. We don't like the idea of just sending a bill up and saying: OK, here it is, let's vote it up or down. The majority leader said that really wasn't his intention, so maybe there is a misunderstanding, and maybe that can be cleared up over the weekend and we can get back to doing our job on housing, as we have done with the energy, economic stimulus, and intelligence bills.

So I thank the Senator for his excellent remarks and his spirit, and I look forward to working with him.

Mr. DODD. Mr. President, if the Senator will yield for a minute, I don't want to interrupt, because I know others want to be heard, but I listened very carefully to what the majority leader said earlier, and he did an eloquent job of explaining this himself,

but I want the record to reflect this as well.

I think the only concern the majority leader had, and I say this respectfully to my friend from Tennessee, was that he asked what these other amendments might be, which is a very legitimate request—not to suggest he has the right to decide the outcome of them but merely what they would be. That is the job of the majority leader, obviously. To say we have five amendments and you have to wait until we get to them to tell you what they are obviously makes his job very difficult, if not impossible.

Just as the leader laid out what the bill was and what we would be offering, I think, in fairness, in order to move this along—and I don't want to get bogged down in this because this is how we can get lost in the weeds of all of this, but I think, in fairness to the majority leader, he felt as though it was not right to be denied the right to know what the various amendments would be. Not to say he would agree with them—as he said, he doesn't agree with the amendment being offered by Senator SPECTER—but he has the right to offer it, and he would respect that.

So if we are going to do this, it is important for the leaders—and I am not a leader here, but the leaders need to sit down and see how the place operates and how it is going to function.

Mr. ALEXANDER. Mr. President, we have other Senators wanting to speak, and these will be my last comments. I don't disagree with that. I think we all know what needs to happen here. We don't want the majority leader picking all our amendments.

Mr. DODD. Of course not.

Mr. ALEXANDER. And you didn't say you wanted to. So apparently, somehow, it didn't get through as clearly as it might have. Maybe we didn't hear it well or maybe it wasn't said as clearly.

The Republican ideas, some of which we think are very strong, such as the Isakson amendment, for example, which has a lot of appeal, we want to make sure those ideas are included in the debate, and when that right is respected, we think we can have a good bill.

So hopefully the majority leader and the Republican leader will have a chance to discuss that, and the chairman of the Banking Committee and the ranking member will help with that process as well.

Mr. DODD. We hope so. And let me just say for the record, as someone who is familiar with the Isakson proposal, I think it has very meritorious qualities to it, and I think that might enjoy some very strong support.

Mr. President, I again yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

LEWIS AND CLARK MOUNT HOOD WILDERNESS  
AREA

Mr. WYDEN. Mr. President, I was prepared to come to the floor tonight and ask unanimous consent that the

Senate proceed to take up and pass the Lewis and Clark Mount Hood wilderness legislation, and I am very pleased that my colleague from our State, Senator SMITH, was prepared to join me this evening. We were going to tackle this issue which is so important to the people of our State in a bipartisan fashion.

Oregon's Mount Hood is a cherished State treasure. There is statewide consensus in every corner of Oregon that this protection is essential, and Senator SMITH and I have worked for a great many years trying to move this legislation forward. It has passed the relevant Senate committee, the Energy and Natural Resources Committee, and the two of us had hoped tonight to pass this legislation by unanimous consent.

Regrettably, my colleague has been informed by the Senator from Oklahoma that he would not let us go forward with this legislation tonight. I greatly regret this. The people of our State are waiting. They have been waiting many years for this. They have understood that Senator SMITH and I have tried to approach this not just in a bipartisan way but in the most inclusive way we possibly could, working with environmental concerns, timber concerns, and the concerns of local officials and scientists. We have had scores and scores of citizens' groups involved in this effort.

Our constituents just don't understand how a piece of legislation that has all of this consensus behind it and all of the energy and passion that Oregonians have brought to it, cannot pass tonight and be done quickly so that this legislation could pass the Senate and go to the other body where our colleagues, particularly Congressman BLUMENAUER and Congressman WALDEN, have also put in many hours, in a bipartisan way, to try to get this legislation enacted and sent to the President.

The reality is that the people of our State want this State icon protected and not held hostage. I am very interested in working with our colleague from the State of Oklahoma. I want to try to address any concerns he may have. I am perplexed as to what those are because we can't get any specifics as to what they actually are.

I think that at this time I would like to yield to my colleague from the State of Oregon for his remarks and perhaps just wrap it up briefly afterward. But I think it is unfortunate tonight, when both of Oregon's Senators wanted to pass this much needed legislation, that we couldn't go forward when there is such strong bipartisan support.

Mr. President, with a reservation so I can wrap up briefly, let me yield to my colleague from Oregon, Senator SMITH, for his remarks.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. SMITH. Mr. President, I thank my colleague, Senator WYDEN. Many may wonder why we are down here and talking about this piece of legislation,

and it is, in short, because Mount Hood is more than just a mountain in our State, it is the icon of our State. It is a place of remarkable beauty. It is a place where a vast majority of our citizens wish to have the greatest legal protections for its preservation. For this generation and for all time to come, obviously wilderness is the highest form of legal protection for any piece of public land.

In the course of coming to this place, Senator WYDEN and I have had many meetings with constituents, received countless pieces of mail in support, and have appreciated the intensity of feeling about this from a whole range of interests. This bill is the work of compromise. This bill does not shortchange a vital industry of our State, which obviously I am speaking of timber. Timber production is vital to our country. Timber production is vital to the economy and the jobs of thousands of Oregonians.

So we, Senator WYDEN and I, have engaged in a lot of give-and-take. We worked with our colleagues in the House, who have similar legislation. We are anxious to get this to them so that this heartfelt demand from our citizens of Oregon can be realized.

In saying all of this, I don't expect the citizens of Oregon to understand the arcane rules of the Senate. The fact is, they are rules based upon honor and one's word, and it is a fact that Senator COBURN has indicated to me his objection to this piece of legislation. So out of respect for him, out of honoring both the letter and the rules of the Senate, we are not offering this even though we are disappointed that we cannot offer this. We would not do that with him being absent from the Senate, but we do commit to him to continue working on any substantive objection he may have to try to resolve what those may be.

I would note that the Republican side of the Energy and Natural Resources Committee voted unanimously for this piece of legislation. So this is nothing that is extreme. This is something completely unique to Oregon and certainly something within the range of values that Oregonians feel toward the environment. I also note that the Bush administration, as far as I know, is now on board with this piece of legislation. So this has broad support.

It is still a work in progress, obviously, with our House colleagues, but we do not offer it tonight out of respect for our colleague from Oklahoma. We simply want to talk about it, to let the people of Oregon know we are working on it, that we are on the job and anxious to get this to a final result so that Mount Hood, which is definitional of the beauty of our State and the values that we put on the environment, can enjoy the legal protection that comes with a wilderness designation.

Again, we have included the logging community, we have included the recreation community, we have included the environmental community.

This is the work of compromise, which is the essential ingredient to getting anything through the Senate.

So we will continue the effort. We will continue to work with our colleague from Oklahoma. And I thank Senator WYDEN for his passion on this issue and the way he and I have worked together to resolve, it seems like 100 different little issues, to try and come to this point of compromise that does satisfy the demands of so large a swath of the people of Oregon and provide this level of protection to an icon which is the beauty of Mount Hood.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. I know colleagues are waiting. I am going to wrap up very briefly. I commend my colleague from Oregon for an excellent statement. The fact is, this legislation has been a labor of love for the people of Oregon. They have been involved in scores and scores of meetings in communities all across the State. And all they want to do is protect these scenic areas as Lewis and Clark first saw them.

The fact is, it has taken years longer to pass this legislation through the Senate than it took Lewis and Clark to get to Oregon. And that is why Senator SMITH and I have indicated we hope to get any further concerns that my colleague, the Senator from Oklahoma, or any other Member of the Senate has, because I certainly do not think this is a partisan issue.

When you have legislation like this that seeks to protect almost 126,000 acres and more than 79 miles of wild and scenic rivers on nine free-flowing rivers, including some of the most pristine and treasured areas of our State, all of the people who are going to visit this area, Oregonians and non-Oregonians alike, they are not going to see this as an exercise in partisan politics. They are going to see this as Lewis and Clark saw this: in effect, protecting the very special parts of Oregon that are a treasure to our State, that are a treasure for the people of the country.

And as Senator SMITH indicated, our doors are open. We want to proceed with this legislation in the Senate just as quickly as we possibly can. Our colleagues in the other body are waiting for it. That is what it is going to take to get the Senate and the other body to work together, and get it sent to the President of the United States. I wish we were getting it done tonight. Senator SMITH has indicated so as well. I do not think there is any reason it did not get done tonight, for all practical purposes. But we are going to continue to work in good faith with all the Members of the Senate, and we hope to be back on this floor very soon to see this critically needed legislation advance and get passed by this body.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

TRIBUTE TO MYRON COPE

Mr. CASEY. Mr. President, thank you very much. I rise tonight to speak

about a distinguished Pennsylvanian whom we lost this week. I will be speaking a little bit later about housing and the housing crisis in our economy.

I wanted to speak first tonight about a man who is known all across our State and indeed beyond the State but especially in Pittsburgh. I speak of Myron Cope who died this week at the age of 79. He was, in fact, a legendary Pittsburgher and the voice of the Pittsburgh Steelers for an unprecedented 35 years.

He died yesterday at the age of 79 in a nursing home in Pittsburgh where he was being treated for respiratory problems and heart failure.

He is known for so much. He is probably best known for his quirky catch phrases and creating the well-known, world-renowned "terrible towel" of the Pittsburgh Steelers, which so many people know was a symbol that was twirled at Steelers games as a good luck charm and has developed into an international symbol of Pittsburgh Steeler pride.

Steeler's president, Art Rooney, said it best in a story yesterday when he said:

His memorable voice and unique broadcasting style became synonymous with Steeler football. They say imitation is the greatest form of flattery and no Pittsburgh broadcaster was impersonated more than Myron.

Art Rooney said it well. Not many people know that Myron Cope was an announcer by accident. He spent the first half of his professional career as one of the Nation's most widely read freelance sports writers, writing for *Sports Illustrated*, the *Saturday Evening Post*, on subjects and athletes as wide and as diverse as Muhammad Ali, Howard Cosell, and Roberto Clemente, the legendary Pittsburgh Pirate baseball player.

The Associated Press did a story about Myron's passing. And it talked about how he became so popular with the Steelers that they did not try to replace his unique perspective when he retired. Instead they downsized from a three-man announcing team to a two-man booth because of his unique perspective.

I will not try to imitate his voice. Many do; I will not try it because I cannot do it well. But the Associated Press said this about Myron:

To Cope, an exceptional play rated a "Yoi!" A coach's doublespeak was "garganzola."

That is Myron Cope's language for various things. We could go on and on tonight about all of those terms that he came up with, ways he described winning and losing and the aspects of a football game. But I will leave it to others to try to imitate his voice.

But we are thinking of him tonight and thinking of his family and his legions of fans.

I ask unanimous consent that the Associated Press story by Alan Robinson be printed in the *RECORD*.

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

[From The Associated Press, Pittsburgh, Feb. 27, 2008]

**STEELERS' FORMER RADIO ANNOUNCER MYRON COPE DIES**

(By Alan Robinson, AP Sports Writer)

Myron Cope, the screechy-voiced announcer whose colorful catch phrases and twirling Terrible Towel became symbols of the Pittsburgh Steelers during an unrivaled 35 seasons in the broadcast booth, has died. He was 79.

Cope died Wednesday morning at a nursing home in Mount Lebanon, a Pittsburgh suburb, Joe Gordon, a former Steelers executive and a longtime friend of Cope's, told The Associated Press. Cope had been treated for respiratory problems and heart failure in recent months, Gordon said.

Cope's tenure from 1970-2004 as the color analyst on the Steelers' radio network is the longest in NFL history for a broadcaster with a single team and led to his induction into the National Radio Hall of Fame in 2005.

Even after retiring, Cope—a sports talk show host for 23 years—continued to appear in numerous radio, TV and print ads, emblematic of a local popularity that sometimes surpassed that of the stars he covered.

Beyond Pittsburgh's three rivers, Cope is best known for pioneering the Terrible Towel, the yellow cloth twirled by fans as a good luck charm at Steelers games since the mid-1970s. The towel is arguably the best-known fan symbol of any major pro sports team, has raised millions of dollars for charity and is displayed at the Pro Football Hall of Fame.

"You were really part of it," Steelers owner Dan Rooney told Cope in 2005. "You were part of the team. The Terrible Towel many times got us over the goal line."

An announcer by accident, Cope spent the first half of his professional career as one of the nation's most widely read freelance sports writers, writing for *Sports Illustrated* and the *Saturday Evening Post* on subjects that included Muhammad Ali, Howard Cosell and Roberto Clemente. He was hired by the Steelers at age 40, several years after he began doing TV sports commentary on the whim of a station manager, mostly to help increase attention and attendance as the Steelers moved into Three Rivers Stadium.

Neither the Steelers nor Cope had any idea how much impact he would make on a five-time Super Bowl champion franchise that, within two years of his hiring, would begin a string of home sellouts that continues to this day.

Cope became so popular that the Steelers didn't try to replace his unique perspective and top-of-the-lungs vocal histrionics when he retired, instead downsizing from a three-man announcing team to a two-man booth.

"He doesn't play, he doesn't put on a pair of pads, but he's revered probably as much or more in Pittsburgh than Franco (Harris), all the guys," running back Jerome Bettis said. "Everybody probably remembers Myron more than the greatest players, and that's an incredible compliment."

Cope and a rookie quarterback named Terry Bradshaw made their Steelers debuts on Sept. 20, 1970.

Just as Pirates fans once did with longtime broadcaster Bob Prince, Steelers fans began tuning in to hear what wacky stunt or colorful phrase Cope would come up with next. With a voice beyond imitation—a falsetto shrill that could pierce even the din of a touchdown celebration—Cope was a man of many words, some not in any dictionary.

To Cope, an exceptional play rated a "Yoi!" A coach's doublespeak was

"garganzola." The despised rival to the north was always the Cleve Brownies, never the Cleveland Browns.

He gave four-time Super Bowl champion coach Chuck Noll the only nickname that ever stuck, the Emperor Chaz. For years, he laughed off the downriver and often down-trodden Cincinnati Bengals as the Bungles, though never with a malice or nastiness that would create longstanding anger.

Many visiting players who, perhaps upset by what Cope had uttered during a broadcast, could only laugh when confronted by a 5-foot-4 man they often dwarfed by more than a foot.

During the years, it seemed every Steelers player or employee could tell an offbeat or humorous story about Cope.

He once jammed tight end Dave Smith, fully dressed in uniform and pads, into a cab for a hectic ride to the airport after Smith missed the team bus for an interview. He talked a then-retired Frank Sinatra into attending a 1972 practice in San Diego to make him an honorary general in Franco Harris's Italian Army fan club. He took a wintertime river swim in 1977 to celebrate an unexpected win, and was sick for days.

Cope's biggest regret was not being on the air during perhaps the most famous play in NFL history—Franco Harris's famed Immaculate Reception against Oakland in 1972, during the first postseason win in Steelers history.

Cope was on the field to grab guests for his postgame show when Harris, on what seemingly was the last play of the Steelers' season, grabbed the soaring rebound of a tipped Terry Bradshaw pass after it deflected off either the Raiders' Jack Tatum or the Steelers' Frenchy Fuqua and scored a game-winning 60-yard touchdown. As a result, play-by-play man Jack Fleming's voice is the only one heard on what has been countless replays over the years.

"He ran straight to me in the corner, and I'm yelling, 'C'mon Franco, c'mon on!,'" said Cope, who, acting on a fan's advice, tagged the play "The Immaculate Reception" during a TV commentary that night.

Remarkably, Cope worked with only two play-by-play announcers, Fleming and Bill Hillgrove, and two head coaches, Noll and Bill Cowher, during his 35 seasons.

Cope began having health problems shortly before his retirement, and they continued after he left the booth. They included several bouts of pneumonia and bronchitis—he smoked throughout his career—a concussion and a leg problem that took months to properly diagnose. He also said he had a cancerous growth removed from his throat.

"Wherever I go, people sincerely ask me how my health is and almost always, they say 'Myron, you've given me so much joy over the years,'" said Cope, who also found the time to write five sports books, none specifically about the Steelers. "People also tell me it's the end of an era, that there will never be an announcer who lasts this long again with a team."

Among those longtime listeners was a Pittsburgh high school star turned NFL player turned Steelers coach—Bill Cowher.

"My dad would listen to his talk show and I would think, 'Why would you listen to that?'" Cowher said. "Then I found myself listening to that. I (did) my show with him, and he makes ME feel young."

Mr. CASEY. In conclusion, I want to say that Myron Cope was a familiar voice to every Pittsburgher and football fan alike, and his persona will live on in the hearts of Pittsburghers and Steelers fans for generations to come.

It is a sad day and really a sad week for Pittsburgh and for football. He will

be dearly missed. And today we honor his legacy. Tomorrow I will be honored to introduce a resolution honoring Myron Cope.

I yield the floor.

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

Mr. SALAZAR. Mr. President, I come to the floor of the Senate this evening to express my extreme disappointment that the Senate is not moving forward today to address the housing crisis which is causing so much pain for people all over this country, from the Presiding Officer's wonderful Sunshine State of Florida, to the western shores of California, to most of the States across the country.

We know there is a lot of pain because of the housing crisis that America finds itself in today. To be sure, I am proud of the work that this Chamber did a few weeks ago when we pushed through the economic stimulus package to provide tax rebates and to provide some incentives for businesses to invest in equipment to make sure that we are keeping our economy from going into the ditch.

But let there be no doubt, let there be no doubt anywhere in America today that the housing market is in crisis and American home ownership is becoming a nightmare to the homeowners of America. And so it is, in my view, incumbent upon this Chamber, incumbent upon the President of the United States, incumbent upon us, to try to move forward, to try to ease some of the pain and to make sure that what is the primary cause for us being in the kind of economic instability that we find ourselves in today, is something that we address, and that is the housing crisis that America faces.

On this chart, you will note that the statistics indicate what is happening across America that is bringing so much pain to the people who own homes in all of our States. This morning in one of our Finance Committee meetings where we had a hearing, we heard from the real estate industry, including those who are owners of commercial real estate and those who build our homes across this country. Those who are building our homes, the National Association of Home Builders, their vice president and a witness today at our Finance Committee hearing said what they are seeing in the housing market is the worst they have seen since the Great Depression.

Now, the Great Depression brought not only the economy of the United States, but the economy of the world, basically, to its knees, flat on its face. And it took that "greatest generation" to stand up this economy again.

So they are telling us, these people who build our homes in America, that this is worse than anything that they have seen since that Great Depression. But Moody's, the economic group, in testimony that they provided to one of our committees in the Senate not long ago, talked about how we have not yet

reached the trough, the bottom of the housing crisis that we are going into. Yet we have a filibuster underway that is keeping us from moving forward and addressing this housing issue.

I do not get it. I do not understand it. If you look at where we are today in terms of what is projected to be the trough with respect to a number of these metrics that we have on this chart, the first of those is the decline in housing values across America.

What this chart shows is that it is projected that housing values will decline, on average across America, by over 15 percent. Now, when you talk about that kind of decline in home values, it is not just a pain that is affecting those homeowners whose houses are in foreclosure, it is a pain that is being felt by the neighborhood, by the communities, by millions of people who own homes. It is a significant decline in home value.

When you look at home sales projected, home sales will be down to a level of 40 percent across the country. So when we get down to the bottom of the trough in housing starts, there is no end to it. The blue line here shows what happened in the 1980s when we had a similar kind of drop in the housing industry, where housing starts went down to 55, 58 percent in that decline.

The economists now project that it is going to be a 60-percent decline with no end in sight. So we do have a housing crisis on our hands. We have a crisis, a housing crisis on our hands. It is important that this Senate do something about it. So I would appeal to the Republican leader, to our own leadership, that we figure out a way of moving forward.

I believe that the legislation that Senator REID introduced, the 2008 Mortgage Foreclosure Act, was a very good step in the right direction, and we should have had an opportunity to move forward with that legislation and to try to figure out ways of improving upon that legislation.

I am still hopeful that as this day goes on, as Friday goes on, as we come into next week, we will be able to pivot it over to address this very substantive and real issue that is causing so much pain to the people of America.

It is causing pain to the people of my State. When you look at this chart, produced by the Center for Responsible Lending, it tells you what is happening in my State of Colorado.

As to foreclosures which now are rampant across our State, 1 in 376 homes in Colorado is in foreclosure. We have not seen the end of it. By the time the teaser rates, the adjustable rate mortgages adjust themselves over the next 2 years, there is a projection that there will be 49,923 homes in foreclosure in the State of Colorado, 49,000 homes in foreclosure.

So, yes, people who are losing their homes obviously are going to go through a lot of pain. To go from a point where you are a homeowner to a

place where you are in the street, obviously, is going to create a hospital of pain to those families that are part of these 50,000 people who are going to be affected by foreclosure.

This is not just a foreclosure issue. Because of what is happening, and every American homeowner is seeing this today, the pain spreads from those foreclosures to other homes in the area, and those people are also going to see significant declines in their values.

The spillover impact in the State of Colorado tells us that 748,652 homes are going to have values that decline because of the foreclosure situation. So this spillover impact is going to affect almost 40 percent of all of the homes in the State of Colorado. So it is a problem that is causing pain to, let's say, 3 million of the people who live in my State. So it is not just a foreclosure problem, but because of the spillover impact that we are going to see.

In my State of Colorado, when we look at the decrease in home values, when you accumulate that number, it is going to be a \$3.2 billion impact. This is much more than about just foreclosure. It also is about the pain to homeowners who are seeing the price of their homes decline over time. It goes beyond those who are having their homes foreclosed upon and ending up in the streets. It goes beyond those people with the pride of home ownership who are seeing the values of their homes decline. It also goes to the industries and people who work in the home industry.

This article which came out of the Rocky Mountain News talks about what is happening with construction in the State of Colorado and Metropolitan Denver. The headline says it all, "Metro Home Building Drops 34 Percent in '07 Permits and May Cost Up to 10,000 Jobs." We have hundreds of thousands of people who work in the home construction business, not only in my State but throughout the Nation. Many of those people who work in that industry are finding themselves today unemployed because of the housing crisis, a 34-percent drop in the number of housing starts, so there is lots of effects going on in our State.

My view is that Senator REID did exactly what he should have done as our majority leader. He said we had moved forward, worked closely with the President and the House of Representatives to pass an economic stimulus package which was significantly improved over what the President and the House of Representatives had proposed. He felt, correctly, that we should now pivot from that issue to working on some of the longer term economic issues affecting our Nation. Certainly one of those top priorities should be housing. I believe we also should move on and deal with another aspect of a major national agenda, to make sure we are putting more into developing a new energy future for America. But today the issue is housing. That is what the majority leader attempted to pivot to today with the Foreclosure Prevention

Act of 2008. That legislation had probably the support of most of the Members with respect to at least 90 percent of the substance included in the legislation, such as \$10 billion over 3 years for mortgage revenue bonds to help families refinance their homes, \$10 billion over 3 years. That was a bipartisan amendment that came out of the Finance Committee, sponsored by Senator KERRY and Senator SMITH, a bipartisan amendment where I don't think there would have been people in this Chamber who would have stood up and said no. We could have helped the families of America deal with the housing crisis by providing them the refinancing opportunities with that kind of investment.

There is \$200 million for credit counseling. It seems to me that most people have said the best thing to do is to get the homeowner and the financial institutions together, find out for the homeowner what the options are, and then get them to do a modification of their loan so they can stay in their home. That is what this legislation would have provided, \$200 million for credit counseling. I don't know who would have disagreed with that concept. This legislation would have allowed \$4 billion for community development block grants, CDBG grants, because there are some places in our Nation where the number of foreclosures is affecting those communities in a very negative way. Just as in the Commonwealth of Pennsylvania, my good friend Senator CASEY will know those areas where you can drive down the street, and you can see homes that are in foreclosure, block by block by block. What this investment would have done, \$4 billion in community development block grants, is helped those communities, those neighborhoods that are suffering the most.

This legislation also included other provisions that were good for the business community. Through the leadership of Senator CONRAD, an amendment I helped cosponsor in the Finance Committee, we would have included in here a net operating loss carryback provision so that losses from 2007, 2008, and 2009 could be carried back for 5 years. That is an important provision for those who have been involved in the home building industry or those who are in other industries who are suffering the economic tough times we are in today. It would have given those businesses a kind of shot in the arm to create a robustness and a new future for them as they try to weather the difficult times.

In addition, the legislation would have required simplicity and transparency in mortgage documents. It would be a furtherance of truth in disclosure documents so that consumers, in signing up for a loan, would know exactly what it was they were signing up for. Those provisions would have been relatively noncontroversial.

Then what is it that has been raised as a reason to oppose us moving to ad-

dress the housing crisis here in the Senate? The provision that says we should allow homeowners to modify their loans under very limited conditions with respect to home ownership. There was a sense from some Members on the other side that maybe that was going too far, maybe there were ways in which we could have worked to deal with that issue and some modifications that would address some of their concerns. But as written, as proposed, we tried to put some rails around it. We tried to say that the only ones who could take advantage of that provision were those who were home occupants. You had to be occupying the home before you could avail yourself of those provisions. You had to meet certain strict financial conditions so that there would be a showing of need before you could take advantage of that provision by the bankruptcy court. At the end of the day, you would have had a modification of a loan that would probably have been agreed to between the lender and the homeowner, if the homeowner wanted to stay in the home.

I am not an expert in bankruptcy law. It seems to me that under chapter 7 of the Bankruptcy Code, you can discharge almost any debt with certain limitations that are set forth in the code. There are other provisions of the Bankruptcy Code—as I recall, chapter 13—that say you can avail yourself of the bankruptcy court in order to modify your debt. If you want to pay back your debt in some way but you don't have the means, chapter 13 allows you to reorganize your debt by asking the bankruptcy court to allow you to pay your debt over a longer period under other terms that a bankruptcy court might impose with respect to the repayment of the debt. But it is not a debt forgiveness. If you are a homeowner today and you happen to own a vacation home and you have a debt on the vacation home, you can go to the bankruptcy court and modify your loan. If you happen to be a homeowner today and you own a recreational vehicle or some kind of a yacht and you owe a debt against that, you can go to the bankruptcy court and have the court modify your loan under a chapter 13 proceeding. You can do it with respect to any asset. But under the current Bankruptcy Code, you are not allowed to do that with respect to your home. It makes no sense to me in particular because of the kinds of rails and constraints that we put around this legislation as it was crafted.

I hope that we as a Senate, in addressing the pain that homeowners are feeling today, can move forward to provide a solution to help us weather these tough times. That is our duty and our responsibility. We as a Senate need to be judged by a very simple reality: Results matter. Stalling or looking away from a problem and pretending it doesn't exist doesn't work anymore. There needs to be a focus on dealing with the problems the Amer-

ican people are carrying on their backs today. Certainly the housing crisis is one of those burdens they are carrying with significant pain.

I hope the voices of the American public, the voices of those who are in home ownership, will rise so that tomorrow or on Monday we can figure out a way of moving forward to putting together a solution on the housing crisis that is affecting us in America today.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. CASEY. Mr. President, I appreciate what the Senator from Colorado outlined for us, a great recitation of the challenges we have in the Senate on this issue of the housing crisis and our economy. It is important to point out where we are today. We are here tonight talking about legislation which did not move forward today for one very simple reason: because the other side of the aisle chose to stop it, as they have done on a number of fronts. I was thinking today about when we reflect upon the housing crisis that grips so many communities and families, a couple of weeks ago we were debating a stimulus package and a similar thing happened. We did get legislation passed and the President did sign it. That was largely a positive development. But what we didn't get done—because, again, the other side stopped us; they blocked, obstructed our ability to put unemployment insurance and food stamp assistance in there, which economists tell us are the best ways to stimulate the economy.

Here we are again on housing, at a time when we had a piece of legislation which would provide some light—in fact, I would argue substantial light—to the darkness that many families face with regard to foreclosure. It would provide some measure of relief to the pain families feel when they lose their home. It would provide some help and assistance with the trauma, the economic trauma that the loss of a house can visit upon a family. That is what we are talking about, doing our best in the Senate to provide some help for families.

We want to do a couple of things with this legislation which we know is the Foreclosure Prevention Act of 2008. Our majority leader, Senator REID, and the members of the Democratic Caucus set it out fairly specifically, a couple of basic things this legislation would have done. First, it would have continued what we started in the end of last year, foreclosure prevention counseling dollars to give money to organizations around the country that are certifiable experts at this, organizations such as La Raza, which the Presiding Officer knows. We know also of the Association of Community Organizations for Reform Now, known by the acronym ACORN. They are headquartered in Philadelphia. These are organizations which understand what a lender has to deal with but, more importantly, deal

with borrowers when they are borrowing money, when they are dealing with the difficulty and the complexity of borrowing money. These organizations would have helped even more than they are helping now with \$200 million more of counseling money. That is not going to happen because of what the other side did. They blocked that money by blocking this legislation.

One of the best vehicles on housing and on stimulating activity and also providing some measure of relief is to say to our housing finance agencies across the country, organizations at the State level that are expert at this, we are going to allow you to do what you do best, to get money into the system and to allow people to borrow money for the cost of a house. That won't happen now because of what the other side of the aisle did.

Another provision in this bill, as Senator SALAZAR mentioned in detail, was the bankruptcy provision which simply says that if a bankruptcy judge can deal with your second house or with all kinds of matters that come before that judge in bankruptcy, the bankruptcy judge ought to be able to help you restructure your mortgage in bankruptcy so you can dig yourself out of not just a foreclosure problem but can dig yourself out of bankruptcy. The other side said no to that.

Finally, they said no to communities across the country with regard to community development block grant money. They said no to them as well. For billions of dollars which were in this bill, they said no to those communities across the country. It is important to understand what they on the other side said no to today. We have to understand that when we talk about this issue, it is not just a house and a family, as important as that is. We are talking about keeping families in their homes, helping them with their foreclosure problem, their crisis that they could be in the middle of or about to enter into. We are also talking about communities, neighborhoods.

The chairman of the Banking Committee—I know the Presiding Officer is a member of the committee—outlined in detail what happens to a community when one house goes down or a number of houses go down. We know about the details.

What we should do is be very clear about our priorities: keeping people in homes, helping communities, and stimulating the economy, but also to make the record clear about why we are not moving forward. The other side stopped us, as they have done again and again.

Now we have to move forward. Now we have to figure out in a bipartisan way how best we can get some elements of this legislation to continue. We cannot sit back and say: Well, we are having a dispute here and we can just let this die. We cannot.

We have to do everything we can now, as Senator DODD said very well tonight, to move this forward, to make

sure we are doing everything possible to keep people in their homes, to stimulate our economy, and to protect and nurture our communities and our neighborhoods. I think we can do that, but we have a long way to go. I hope it is a bipartisan effort. We have to make that hope into a reality.

Mr. President, I yield the floor.

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

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

#### MORNING BUSINESS

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

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

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

#### BELATED HAPPY BIRTHDAY TO A SENATE GIANT

• Mr. BYRD. Mr. President, while the Senate was in recess last week, the senior Senator from Massachusetts became a little bit more senior. On February 22, Senator EDWARD KENNEDY celebrated his 76th birthday.

Senator KENNEDY has been a special friend over the years and I thank him for his fellowship.

Everyone who knows us knows that Senator KENNEDY and I could not have come from more different economic and geographic backgrounds—he is the son of a wealthy New England family, while I am the son of the Appalachian coalfields. And people who know us know that over the years, Senator KENNEDY and I have had our political differences—at one point, our political differences compelled us to challenge each other for a Senate leadership position.

But those who know us both well, also know that we have many things in common. We share a love of history, of poetry, and of politics. Foremost, we share a love and understanding of the Senate and the important role it is intended to play in the life of this Republic.

Maybe it was our mutual interests that formed the basis of our friendship. Perhaps it was admiration. I certainly admire Senator KENNEDY's career and accomplishments for his State, as well as his keen intellect and fierce defense of his views and values. Senator KENNEDY is a member of the Massachusetts Senate class that has included giants of the Senate such as John Quincy

Adams, Daniel Webster, Charles Sumner, Henry Cabot Lodge, and John F. Kennedy. Senator EDWARD KENNEDY has joined this august company for he, too, is a giant of the Senate.

Senator KENNEDY is one of three Senators in the history of this institution to have cast more than 15,000 votes.

He is the third longest serving Senator in U.S. history.

But, more important than the quantity of his Senate service is the quality of his service. Senator KENNEDY has been one of the most effective national legislators in the history of our Republic. His imprint is on a large stack of progressive legislation written during the past four decades. The Occupational Safety and Health Act, OSHA; the Voting Rights Act; the Age Discrimination Act; the Freedom of Information Act; the Americans with Disabilities Act; health care reform; increases in the Federal minimum wage—these are but a few of Senator KENNEDY's legislative monuments.

As his Senate record demonstrates, Senator KENNEDY is a man of remarkable compassion, who has labored mightily on behalf of his fellow citizens. A child of privilege, educated at Harvard and the University of Virginia, he could have taken an easier path in life. But, instead, Senator KENNEDY has worked tirelessly in the Senate becoming a powerful voice for the protection of our environment, the rights of American workers, and women's equality. Senator KENNEDY is the Senate's Mr. Health Care. He is the Senate's Mr. Civil Rights. He is the Senate's Mr. Human Rights.

What has really impressed me is that neither years of age nor years of political combat have diminished the idealism and energy of this talented, imaginative, and intelligent man. Throughout his career, Senator KENNEDY has believed in a simple premise: that our society's greatness lies in its ability and willingness to provide for its less fortunate members. Whether striving to increase the minimum wage, ensuring that all children have medical insurance, or securing better access to higher education, Senator KENNEDY has shown that he cares deeply for those whose needs exceed their political clout. Unbowed by personal setbacks, or by the terrible sorrows that have fallen upon his family, his spirit continues to soar, and he continues to work as hard as ever to make his dreams a reality.

I, personally, will always appreciate the support that Senator KENNEDY gave me during the years I served as the Senate Democratic leader. When times got tough, as they occasionally do for a Senate leader, I always knew that I could count on his assistance.

As the majority leader of the Senate during the incredibly productive 100th Congress, I worked closely with Senator KENNEDY, and he worked closely with me. His tenure as Chairman of the Senate Committee on Labor and Human Resources during that Congress



was extraordinary, both in the sheer volume of legislation that he sponsored and in the dedication that he displayed to improving the education and health of all Americans. Happy birthday to my friend and colleague, Senator TED KENNEDY. Because of you, so many millions of Americans are much better off.●

#### NATIONAL PEACE CORPS WEEK

Mr. DURBIN. Mr. President, I rise to take a few minutes, during National Peace Corps Week, to salute the dedication and accomplishments of the hundreds of thousands of Peace Corps volunteers who have served our Nation and the world since President John F. Kennedy had the wisdom and foresight to establish the Peace Corps in 1961.

I want to recognize in particular the 309 current Peace Corps volunteers from Illinois who are today serving in every corner of the globe, as well as the more than 7,000 Illinoisans who have served since the Peace Corps' inception. These men and women come from big cities and small towns, urban centers and rural farming communities. Some are recent college graduates who fit our most common image of a Peace Corps volunteer, while others are older and bring to this new role a lifetime of skills and experience.

Diverse though their backgrounds might be, all Peace Corps volunteers share a common desire to improve the lives of people less fortunate than themselves, and to do so in a direct, hands-on fashion.

Americans are the most generous people in the world. We give from our wallets and we give of our time, donating both of these in large quantities on behalf of the poor, the hungry, and the disenfranchised. Volunteerism and altruism are among the most fundamental aspects of our national character, and all Americans should be proud of our contributions to meeting the world's development challenges.

Yet there is something different, something unique, about those of our fellow citizens who have chosen the Peace Corps path. They move to the other side of the planet, with few to no amenities, and immerse themselves in completely unfamiliar cultures and languages. That type of commitment changes the lives of the local communities in which the volunteers live and work, to be sure. But it also affects profoundly the volunteers themselves, who sacrifice material comforts and proximity to family and friends in exchange for the knowledge that they are having a positive impact.

Sometimes, a Peace Corps volunteer's sacrifice goes far beyond the mere material. This past December, 25-year-old Blythe Ann O'Sullivan of Bloomingdale, IL, died while serving in Suriname. Blythe was a graduate of Bradley University in Peoria and was in her second year volunteering as a small business adviser at the time of her death. I join her family, friends,

the Peace Corps community and all the people whose lives Blythe touched, not only in mourning her loss but also in celebrating her memory.

I would also like to honor the many Illinois colleges and universities that turn out Peace Corps volunteers in large numbers. The University of Illinois at Urbana-Champaign ranked 16th in the Nation last year among large colleges and universities in the number of alumni volunteers. Northwestern University ranked 12th among medium-sized schools, and the University of Chicago, I am proud to say, was first in the country among smaller institutions. It is a testament to these universities, their faculties, and most of all their students that so many Illinois alumni choose to join the Peace Corps and serve their country and humanity in this way.

You know, most people hear the words "Peace Corps" and picture young American men and women helping the people of some remote village to dig a latrine or a well, or learn English, or access better health care. And of course, this sort of development work is the principal reason the Peace Corps was founded.

But Peace Corps volunteers also serve an equally important role as goodwill ambassadors. They are often the first Americans their overseas friends and neighbors have ever met, and first impressions count for a lot. Over the past several years, much of the world has questioned U.S. intentions and watched us warily until they've been sure of the real meaning behind our words, the real goals behind our actions. The pure altruism of Peace Corps volunteers, living and working every day with citizens the world over, goes a long way toward reassuring the world that Americans are a good and giving people.

The Peace Corps and its volunteers cannot do this alone. It is important that Congress continue to support the Peace Corps to the greatest possible extent. As a member of the Senate Appropriations subcommittee on the State Department and Foreign Operations, I am proud that Chairman LEAHY was able to increase the Peace Corps' budget by \$10 million for fiscal year 2008. And I am certain that together we will be able to continue supporting the Peace Corps to make it even more effective and to honor the dedication and sacrifice of the many thousands of volunteers who have served, are now serving, and will serve in the future.

#### WHITE MOUNTAIN NATIONAL FOREST

Mr. GREGG. Mr. President, I wish to speak briefly about an important issue in my State that involves one of our country's great natural treasures, the White Mountain National Forest. Encompassing nearly 800,000 acres and drawing more than 6 million visitors each year, the White Mountain Na-

tional Forest is not just a place for skiing, hiking, snowmobiling, or timber harvesting; it is a source of pride for New Hampshire. And considering its relatively large footprint in our State, how this special place is managed by the U.S. Forest Service matters a lot.

Fortunately, the Forest Service especially Forest Supervisor Tom Wagner has done a great job in overseeing the White Mountain National Forest. Starting in 1997 when the new forest management plan was being developed, the agency made a concerted effort to reach out to the public, welcomed outside comments, and was sensitive to the sometimes competing views of interested parties. This planning process was not an easy task. Forest management is about addressing multiple uses and priorities, and ultimately it should be about compromise. The White Mountain National Forest has long been utilized for a variety of purposes, and any management plan should carefully strike a balance among them while also protecting the forest for future generations.

To come up with a balanced plan, Supervisor Wagner went out of his way to listen to public input and worked closely with government officials, environmental organizations, businesses, and recreation clubs. I met with him during the planning process and was encouraged by his outreach and evenhanded approach.

After years of hard work, Supervisor Wagner and the Forest Service arrived at a forest management plan that achieved general consensus among the major stakeholders and was well received across New Hampshire. I was pleased to support it when the final plan was released in 2005, including working with Senator SUNUNU on legislation implementing its wilderness recommendations. Signed into law in December 2006, this bill designated nearly 35,000 acres of new wilderness in the White Mountain National Forest and was applauded by environmental groups from across the State. I should also note that even our State's logging industry, represented by the New Hampshire Timberland Owners Association, supported the wilderness measure out of the spirit of compromise. Clearly, it was not in their business interest to support more wilderness designation, but they did it anyway since it was part of a balanced management plan that also included limited timber harvesting.

Unfortunately, this balance is now under attack, years after the plan was finalized and other elements have been implemented. A few environmental groups based outside New Hampshire have filed a lawsuit against two timber harvesting projects that were part of the 2005 Forest Management Plan. Encompassing less than 1,200 acres, the projects already have been subject to environmental review, would be very limited in scope, and would be carried out over existing road systems. By delaying these projects, this lawsuit is

not only blocking an economic boost for the State and additional revenues for local governments but also blocking the projects' environmental benefits since they would create habitats critical for wildlife management. Well respected environmental groups such as the Society for Protection of New Hampshire Forests, Appalachian Mountain Club, and Audubon Society have come out against this legal challenge, and I support their efforts to maintain the consensus approach underlying the 2005 Forest Management Plan.

The White Mountain National Forest can and should be accessible to a wide variety of users, and we have a carefully crafted plan to accommodate them. It is unfortunate that a few groups who had their chance to provide input during the planning process are resorting to litigation to take apart the 2005 Forest Management Plan. Of course, the Forest Service must follow the law and carry out certain environmental reviews, and I defer to the courts to resolve these legal questions. However, I strongly believe that this lawsuit runs counter to New Hampshire's interests and undermines the good will among our State's major stakeholders which has been critical for advancing sound environmental policies. I therefore hope that this legal challenge is resolved as soon as possible and that we can all support the Forest Service's management of the White Mountain National Forest, including its proposed timber harvesting projects.

#### GUN VIOLENCE

Mr. LEVIN. Mr. President, unfortunately, history will record February 2008 as a month in which contained six separate high-profile multiple murders by firearms occurred across the country. These shootings occurred in places normally considered safe, including Northern Illinois University, Louisiana Technical College, and a city council meeting inside Kirkwood City Hall. It appears there are few places where the dangers of gun violence can not reach. However, there are some actions we can take to help change this epidemic of gun violence.

In 1993, President Clinton signed the Brady bill into law. This law requires a waiting period for handgun sales until records are available to instantly check criminal background of prospective gun purchasers. After the National Instant Check System, NICS, became operational in 1998, the Justice Department maintained background check records on approved purchases for 6 months to ensure that felons and other prohibited buyers were not mistakenly approved. Under the Bush administration, however, Attorney General John Ashcroft sought to require the destruction of the records of approved purchasers within 24 hours. In July 2002, the Government Accountability Office, GAO, issued a report on the potential effects of next-day destruction of NICS

background check records. They concluded that destroying these records within 24 hours would prevent the government from auditing the NICS system to ensure its accuracy and "would have public safety implications." Despite these GAO warnings, Attorney General Ashcroft decided to implement the 24-hour record destruction provision.

The Brady bill only requires background checks for sales by licensed gun dealers. It does not require them for transfers between unlicensed persons. Approximately 40 percent of all gun sales involve those transfers, such as at gun shows. Only 6 States require background checks on all firearm sales. According to the ATF, almost one-third of trafficked guns are acquired at gun shows and flea markets. These gatherings present the perfect opportunity for unlicensed sellers to offer large numbers of guns for sale with no questions asked. Those who would not pass a background check in a licensed gun store are able to purchase as many guns as they wish at gun shows.

In 1994, President Clinton signed legislation into law that banned the production of certain semiautomatic assault weapons and high-capacity ammunition magazines. Among the banned items was a list of 19 specific weapons as well as a number of other weapons incorporating certain design characteristics such as pistol grips, folding stocks, bayonet mounts, and flash suppressors. The 1994 assault weapons ban prohibited the manufacture of semiautomatic weapons that incorporate at least two of these military features and accept a detachable magazine. In 2004, when the assault weapons ban expired, despite the overwhelming support of the law enforcement community, the ongoing threat of terrorism, and bipartisan support in the Senate. Sadly, the tragedies at both Virginia Tech and Northern Illinois University were inflicted by someone using previously banned high capacity ammunition magazines.

On average, 32 people are murdered in this country by firearms every day. By instituting such simple changes in current law, addressing the gun show loophole and passing a new assault weapons ban, we could help reduce the likelihood of such tragedies occurring.

#### 21ST CENTURY COMMUNITY LEARNING CENTERS INITIATIVE

Mr. CARDIN. Mr. President, today I express my support for the 21st Century Community Learning Centers, 21st CCLC, initiative, the only Federal funding source dedicated to supporting successful afterschool programs around the country. This program is critical to our children's and our economy's success.

For many American families, it is necessary for both parents to work outside the home, and these families face true challenges in finding affordable childcare services. This is a problem

not only for parents of infants and toddlers too young to go to school, but also for parents of school-age children who would otherwise be left unsupervised in those critical hours between the end of the schoolday and the end of the workday. In Maryland, 25 percent of children in grades K-12 are responsible for taking care of themselves after school. Studies show that millions of children around our Nation are left on their own after school to devastating effects.

Researchers at Johns Hopkins University have concluded that two-thirds of the achievement gap between lower and higher income youth can be explained by unequal access to out-of-school activities, especially during the summer months. This unequal access creates a gap that begins in elementary school and accumulates over the years. It results in unequal placements in college preparatory tracks and increases the chance that children from low-income families will drop out of high school.

The hours between 3 p.m. and 6 p.m. are the peak hours for juvenile crime and experimentation with drugs, alcohol, cigarettes, and sex. Teens who do not participate in afterschool programs are nearly three times more likely to skip classes than teens who do participate. They are also three times more likely to engage in risky and self-destructive behaviors.

Parents who have difficulty securing reliable afterschool care miss an average of 8 days of work per year, and studies have shown that decreased worker productivity related to parental concerns about afterschool care costs businesses up to \$300 billion each year.

Recognizing the benefits of quality afterschool activities, Congress created the 21st Century Community Learning Centers initiative, which provides states with grant money to facilitate their efforts to provide children with quality afterschool social, academic, and other enrichment activities. The program's results have been dramatic.

In the 2004-2005 school year, 59 percent of regular attendees attained Federal proficiency levels or better in reading and language arts and 54 percent of regular attendees attained Federal proficiency levels or better in math. Teachers reported that a majority of participating students improved in every category of behavior. The categories with the highest percentages of student improvement were academic performance, completing homework to the teacher's satisfaction, class participation, and turning in homework on time.

A study conducted in Maryland's Anne Arundel County school district revealed that CCLC participants missed fewer days in school and achieved higher proficiency ratings in reading and math. Also, teachers perceived increases in students' overall achievement in school and their confidence in learning. Children attending

23 or more days of Maryland's After School Opportunity Fund Program showed greater gains on such measures as commitment to education and academic performance, and a reduction in delinquency.

According to a 2005 Manhattan Institute study, only one-third of American high school graduates are prepared for college. Our students are falling further behind in math, science, engineering, and other areas critical for success in the 21st century economy. The hours between 3 and 6 p.m. do not need to be peak hours for juvenile crime and dangerous experimentation. The after-school hours can be and must be a time when our kids learn new skills, develop relationships with caring adults, and prepare for the future.

One program in Marriotsville, MD, is doing just that. In a reversal of roles, tech savvy students at Marriots Ridge High School offer afterschool instruction in Photoshop, game design, Web design, Microsoft Office, and other programs to members of the community. The principal has raved about walking down his school's halls and seeing his students conduct workshops for individuals ranging from middle-schoolers through senior citizens. How impressive that these students are given the opportunity to master this technology and then develop the confidence and leadership necessary to teach it to others. What a benefit to these students and to that Maryland community!

So I was extremely disappointed, as were many of my colleagues, to see that President Bush's fiscal year 2009 budget proposal cuts funding for 21st Century Community Learning Centers by \$300 million next year. If his proposal were enacted, 300,000 students nationwide would lose access to afterschool programs. Maryland alone would lose one-third of its funding, which would translate to a loss of services for 5,000 children.

The President also wants to turn the grant program into a voucher program. Currently, States review programs in a thorough, competitive process and award multi-year funding to the best proposals. These long-term grants allow programs to plan, grow, develop partnerships, and hire quality staff. Parents are able to choose among various programs for their children. By contrast, a voucher program would give the money to parents rather than the States, eliminating the funding stability that is so critical to developing high-quality programs.

The President's proposal is unwise in two respects. In the short term, it would eliminate many parents' access to afterschool care. In the long term, it would undermine the quality of those programs that survive. David Kass, the president of a national nonprofit anticrime organization called Fight Crime: Invest in Kids, has said, "Law enforcement leaders across the country agree: this [proposal] threatens public safety."

Mr. President, I hope that my colleagues will reject the administration's

proposal and continue to support the 21st Century Community Learning Centers.

#### JOHN SHATTUCK ON RESTORING THE RULE OF LAW IN U.S. FOREIGN POLICY

Mr. KENNEDY. Mr. President, I welcome this opportunity to commend to my colleagues a very thoughtful and informational article in the current issue of the American Prospect by former Assistant Secretary of State and Ambassador to the Czech Republic, John Shattuck, who currently serves as CEO of the Kennedy Library Foundation.

In his article, "Healing Our Self-Inflicted Wounds," Mr. Shattuck makes the point that in the past few years America has seriously wounded itself in the eyes of the wider world by failing to live up to our highest ideals. Our policies have made it more difficult to enlist the support of our traditional allies in accomplishing our foreign policy goals and have emboldened those who do not share our goals to work harder to undermine them.

Mr. Shattuck lays out several key steps for the next President to take to repair the damage done in the past 8 years and restore America's credibility—and strength—in the world. I believe his article will be of interest to all of us in Congress.

And I ask unanimous consent that the article be printed in the RECORD.

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

[From The American Prospect, Jan.-Feb. 2008]

#### HEALING OUR SELF-INFLECTED WOUNDS—HOW THE NEXT PRESIDENT CAN RESTORE THE RULE OF LAW TO U.S. FOREIGN POLICY—AND REBUILD AMERICAN CREDIBILITY AND POWER (By John Shattuck)

There's a remarkable paradox in the relationship today between the United States and the rest of the world. Despite economic and military assets unparalleled in history, U.S. global influence and standing have hit rock bottom.

As an economic superpower, the U.S. has a defense budget that accounts for more than 40 percent of global military spending. But this "hard power" does not necessarily translate into real power. National-security failures abound, from the catastrophic events in Iraq to the resurgence of terrorist networks in Afghanistan and Pakistan, from the growing threat of civil war throughout the Middle East to the deepening uncertainties of the Palestinian-Israeli conflict, from the standoff with Iran to the genocide in Darfur.

The next president will have to address these crises by re-establishing America's capacity to lead. Doing so will involve working to regain international credibility and respect by reshaping American foreign policy to direct the use of power within a framework of the rule of law.

#### THE SCALE OF THE PROBLEM

The United States may be strong economically and militarily, but the rest of the world sees it as ineffective and dangerous on the global stage. Less than a decade ago the situation was quite different. A 1999 survey

published by the State Department Office of Research showed that large majorities in France (62 percent), Germany (78 percent), Indonesia (75 percent), Turkey (52 percent), among others, held favorable opinions of the U.S.

This positive climate of opinion fostered an outpouring of international support immediately following the September 11 attacks. The U.S. was able to assemble a broad coalition with U.N. approval to respond to the attacks and strike terrorist strongholds in Afghanistan.

Six years later global support for U.S. leadership has evaporated. In poll after poll, international opinion of the U.S. has turned sour. A January 2007 BBC survey found that 52 percent of the people polled in 18 countries around the world had a "mainly negative" view of the U.S., with only 29 percent having a "mainly positive" view. In nearly all the countries that had strong support for the U.S. in 1999 a big downward shift of opinion had occurred by the end of 2006. In France it was down to 39 percent, in Germany down to 37 percent, and in Indonesia down to 30 percent. A separate survey conducted in 2006 by the Pew Research Center revealed extremely hostile attitudes toward the U.S. throughout the Arab and Muslim world: Egypt polled 70 percent negative, Pakistan 73 percent, Jordan 85 percent, and Turkey 88 percent.

A major factor driving this negative global opinion is the way the U.S. has projected its power in the "war on terror." Four years after the Iraq invasion, U.S. military presence in the Middle East was seen by 68 percent of those polled by the BBC "to provoke more conflict than it prevents." Similarly, a poll published in April 2007 by the Chicago Council on Global Affairs showed that in 13 of 15 countries, including Argentina, France, Russia, Indonesia, India, and Australia, a majority of people agreed that "the U.S. cannot be trusted to act responsibly in the world."

The U.S. is now seen internationally to be a major violator of human rights. The BBC poll showed that 67 percent of those surveyed in 18 countries disapproved of the U.S. government's handling of detainees in Guantanamo. A survey conducted in June 2006 by coordinated polling organizations in Germany, Great Britain, Poland, and India found that majorities or pluralities in each country believed that the U.S. has tortured terrorist detainees and disregarded international treaties in its treatment of detainees, and that other governments are wrong to cooperate with the U.S. in the secret "rendition" of prisoners.

These global opinion trends have reduced the capacity of the United States to carry out its foreign policy and protect national security. The perception of a growing gap between the values the U.S. professes and the way it acts—particularly in regard to human rights and the rule of law—has eroded U.S. power and influence around the world.

In his book, *Soft Power: The Means to Success in World Politics*, Joseph Nye analyzes a nation's "ability to get what [it] wants through attraction rather than coercion." Soft power derives from "the attractiveness of a nation's culture, political ideals, and policies. When [its] policies are seen as legitimate in the eyes of others, [its] soft power is enhanced." Today, American political ideals have lost much of their global attraction because their appeal has been undermined by U.S. policies and actions that lack legitimacy in the eyes of the world. American foreign policy will continue to fail until the U.S. regains the international respect it has lost.

Fortunately, history shows that the capacity to lead can be restored when U.S. values and policies are generally in synch. During

the first decade and a half of the Cold War, images of racism and segregation in the United States undercut the ability of the U.S. to project moral leadership. By the mid-1960s, however, the civil-rights movement and the leadership of Presidents Kennedy and Johnson had revived this vital capacity.

Similarly, following the disaster in Vietnam, a number of U.S. foreign-policy successes were achieved through bipartisan presidential leadership. President Ford signed the Helsinki Accords, which led to international recognition for the cause of human rights inside the Soviet bloc. President Carter mobilized democratic governments to press for the release of political prisoners held by repressive governments. President Reagan signed the Convention Against Torture and sent it to the Senate, where it was subsequently ratified. President George H.W. Bush joined with Western European governments to nurture the fledgling democracies of post-Cold War Central and Eastern Europe. President Clinton worked with NATO to end the human-rights catastrophe in Bosnia and prevent genocide in Kosovo. Each of these foreign-policy successes was achieved by linking American interests and values.

Three fundamental principles govern the exercise of soft power through the promotion of human rights and the rule of law. The first is practicing what you preach. The U.S. loses credibility when it charges others with violations it is committing itself. It reduces its ability to lead when it acts precipitously without international authority or the support of other nations. The second is obeying the law. Human rights are defined and protected by the U.S. Constitution and by conventions and treaties that have been ratified and incorporated into U.S. domestic law. The U.S. must adhere to these legal obligations if it is to project itself to other countries as a champion of human rights and the rule of law. The third is supporting international institutions. The U.S. should lead the way in reshaping existing international institutions and creating new ones, not attacking them, acting unilaterally, or turning its back whenever it disagrees with what they do.

The administration of President George W. Bush has repeatedly violated each of these principles. It has opened the U.S. to charges of hypocrisy by criticizing other governments for acting outside the rule of law and committing human-rights abuses it has committed itself. The annual Country Reports on Human Rights Practices issued by the State Department cover official actions such as “torture and other cruel, inhuman or degrading treatment or punishment,” “detention without charge,” “denial of fair public trial,” and “arbitrary interference with privacy, family, home, or correspondence.” These are the very practices in which the Bush administration itself has systematically engaged, compelling readers of the State Department Country Reports to conclude that the U.S. does not practice what it preaches. The 2006 report on Egypt, for example, criticizes the fact that Egyptian police and security forces “detained hundreds of individuals without charge,” that “abuse of prisoners and detainees by police, security personnel and prison guards remained common,” and that “the [Egyptian] Emergency Law empowers the government to place wiretaps—without warrants.” These same criticisms apply to the United States.

The Bush administration has diminished a second source of soft power by flaunting basic requirements of international and domestic law. These include the Geneva Conventions, the Convention Against Torture, and the International Convention on Civil and Political Rights, and the Foreign Intelligence Surveillance Act. The result has been

the creation of “law-free zones” in which foreign detainees in U.S. custody overseas have been brutally abused, thousands of foreign citizens have been held indefinitely as “unlawful combatants” without being accorded the status of prisoners of war, and repressive regimes around the world have implicitly been given the green light to crack down on political dissidents and religious and ethnic minorities in the name of fighting terrorism.

The administration’s history of disregard for the established framework of international law was made clear by a 2002 memorandum, prepared by the then-White House counsel, Alberto Gonzales, proclaiming that “terrorism renders obsolete the Geneva Conventions’ strict limitations on the questioning of prisoners.” No recent president had questioned the basic rules of international humanitarian law in times of war. The administrations of Lyndon B. Johnson, Richard Nixon, and Gerald Ford during the Vietnam War, and George H.W. Bush during the Gulf War, all adhered to the Geneva requirements. The reasons were spelled out in a 2002 memorandum by then-Secretary of State Colin Powell, challenging the Gonzales memo. Powell warned that the White House interpretation of the Geneva Conventions would “reverse over a century of U.S. policy and practice, undermine the protections of the law of war for our troops, and [provoke] negative international reaction, with immediate adverse consequences for our conduct of foreign policy.”

A third source of soft power has been undermined by the Bush administration’s attacks on and disengagement from international human-rights institutions. The U.S. has been a world leader in building these institutions since the time when Eleanor Roosevelt chaired the international committee that drafted the Universal Declaration of Human Rights. The current administration has renounced that leadership by refusing to run for a seat on the new U.N. Human Rights Council and by undermining efforts to shape the new International Criminal Court (ICC). Both institutions are flawed, but as a result of the administration’s disengagement the U.S. now has no influence over their future development.

#### UNDERCUTTING NATIONAL SECURITY

The Bush administration’s record on human rights and the rule of law has undercut the capacity of the U.S. to achieve important foreign-policy goals. The erosion of America’s soft power has made it more difficult for the U.S. to succeed in preventing or containing threats of terrorism, genocide, and nuclear proliferation. The denigration of American values has made the U.S. ineffective in promoting human rights and democracy. Indeed, the current administration’s frequent disregard of the rule of law has jeopardized five frequently stated foreign-policy objectives.

The first is countering the threats posed by Iraq, Iran, and Afghanistan. For more than a decade these countries have topped the United States’ list of dangers to international security. Strategies to reduce the violence and terrorism in Iraq and Afghanistan and to prevent Iran from exporting terrorism and acquiring nuclear weapons require a mixture of hard and soft power. But reports of CIA and U.S. military torture and mistreatment of prisoners at Abu Ghraib and other secret prisons in the region may have weakened the ability of the U.S. to counter the deterioration of human-rights conditions in Iraq and Afghanistan. Similarly, State Department criticism of the Iranian regime’s political repression has been blunted by the U.S. record of detainee abuse and illegal electronic surveillance. Years after the U.S. military interventions, Iraq and Afghanistan

remain major exporters of terrorism and centers of human-rights abuse. Iran is a major terrorist exporter and a human-rights disaster.

A second major stated objective of U.S. foreign policy is preventing genocide. The lesson of Rwanda was that the cost of failing to stop genocide is not only a massive killing of innocent civilians but also an ongoing humanitarian catastrophe and long-term regional instability. Following the Rwanda genocide, a doctrine of humanitarian intervention was developed under U.S. leadership and invoked, with broad international support and authority under the Genocide Convention, to end the genocide in Bosnia in 1995, and then to prevent a genocide in Kosovo in 1999. Today, that doctrine is in shambles, undermined and discredited by the Bush administration’s intervention in Iraq. As a result, the U.S. has been unable to mobilize support to stop the ongoing genocide in Darfur and an entire region of Africa has been destabilized.

Addressing the challenges posed by geopolitical rivals such as China, Russia, and Cuba is a third long-standing concern of U.S. foreign policy. The Bush record has made already-complicated interactions with these countries even more difficult. China is leading the way in effectively exploiting the growing global perception that the U.S. is a human-rights violator. For several years the Chinese government has produced and publicized its own report on U.S. human-rights failings in an attempt to counter U.S. criticism of China’s record. China’s March 2007 report was particularly blunt: “We urge the U.S. government to acknowledge its own human rights problems and stop interfering in other countries’ internal affairs under the pretext of human rights.” Russian President Vladimir Putin has been similarly direct in rejecting recent U.S. criticism of the Russian government’s press censorship, and Cuba has been quick to point to the U.S. record of detainee abuse at Guantanamo whenever Cuban human-rights practices are challenged by the U.S. The Bush administration has provided China, Russia, and Cuba with a convenient excuse for cracking down on dissidents and minorities under the guise of fighting terrorism within their borders.

Creating and managing strategic alliances is a fourth major U.S. foreign-policy objective. The Bush administration’s record on human rights and the rule of law has alienated traditional democratic allies and complicated relations with authoritarian countries. The Council of Europe, a parliamentary assembly of elected representatives from across the continent, has condemned European governments for cooperating with the U.S. in running secret detention centers, and has called for Europe to distance itself from the Bush administration’s tactics in the “war on terror.” Negative European opinion about U.S. human-rights practices has made it politically difficult for European leaders to support U.S. positions on other issues. And by condoning torture, prisoner abuse, secret detention, illegal surveillance, and other violations of human rights, the administration has also undercut its ability to promote reform with authoritarian allies like Egypt, Saudi Arabia, Morocco, and Uzbekistan.

Finally, holding accountable those who commit human-rights crimes has been a bedrock objective of U.S. foreign policy since the Nuremberg trials following World War II. The U.S. has long been at the forefront of efforts to create a system of international justice, most recently in the establishment of the International Criminal Tribunals for the Former Yugoslavia and Rwanda. By opposing the International Criminal Court, the Bush administration has relinquished its leadership on these issues. The indispensability of

international justice to U.S. foreign policy is illustrated by the administration's retreat in 2006 from outright opposition to the ICC to reluctant acceptance of the U.N. Security Council's referral of the Darfur genocide case to ICC jurisdiction. But this begrudging exception unfortunately proves the rule.

#### REPAIRING THE DAMAGE

The next president must make repairing the damage to American values and moral authority a top priority. Acting within a framework of the rule of law and respect for human rights will be essential to restoring America's international leadership.

The U.S. must strengthen its alliances by demonstrating it adheres to international norms in pursuing its national-security objectives. The next president should immediately announce that the U.S. will close the detention center at Guantanamo and transfer detainees to the U.S. or detainees' home countries. In addition, the president should announce that the U.S. is bound by the Geneva Conventions as a matter of law and policy. Restoring the U.S. policy of providing individualized status hearings to detainees would demonstrate respect for international norms without restricting the government's capacity to conduct lawful interrogations to obtain intelligence information about terrorist activities. Fully applying the Geneva Conventions also would not preclude the U.S. from trying detainees in military commissions.

A second means of underscoring U.S. commitment to address national-security threats within the rule of law would be to provide assistance to other countries for counterterrorism operations that comply with basic human-rights standards. "Fighting terror" has become a convenient excuse for repressive regimes to engage in further repression, often inspiring further terrorism in an increasing cycle of violence. To break this cycle, the U.S. should provide assistance and training to foreign military and law enforcement personnel in methods of fighting terrorism within the rule of law.

The U.S. should take the lead in drafting a comprehensive treaty defining and condemning terrorism within a framework of human rights. Working toward a consensus on this global issue would help counter the claim that differences in cultural values, religious beliefs, political philosophies, or justifiable ends make it impossible to define the crime of terrorism.

The president should make clear that the U.S. is prepared once again to be an active participant in strengthening the system of international law it helped create over the last half century. Important treaties have lingered for years in the Senate and should now be ratified or renegotiated. Some were signed by Republican presidents and once enjoyed bipartisan support, but have been blocked for the last seven years by the current administration and its Senate supporters. The U.S. should also rejoin negotiations on such critical issues as human rights, international justice, climate change, and nonproliferation of weapons of mass destruction. By doing so, the next president would demonstrate that globalization can be made to work within the rule of law.

The U.S. should support those seeking to promote the rule of law, democracy, and human rights in their own countries. Democracy and human-rights activists are the shock troops in the struggle against terrorism, genocide, and nuclear proliferation. But democracy can never be delivered through the barrel of a gun. Assistance to those who are working to build their own democratic societies must be carefully

planned and targeted, sustained over time, and based on a thorough understanding of the unique circumstances and profound differences among cultures, religions, and countries. A new U.S. government must work within an international framework, not unilaterally and preemptively, to assist those struggling around the world to bring human rights to their own societies.

Finally, the U.S. should join with other countries, alliances, and international organizations to reassert America's role in working to prevent or stop genocide and crimes against humanity. The president should invoke the doctrine of humanitarian intervention that was applied in Bosnia and Kosovo in the 1990s to address the genocide in Darfur. Extensive diplomatic and economic tools can be used to head off an impending genocide, but international military intervention remains available under international law if all other avenues have been exhausted.

By recommitting the U.S. to a foreign policy conducted within a framework of human rights and the rule of law, the next president can restore America's moral leadership in the world—and by so doing, enhance American power and security.

#### FAREWELL TO ALAN HOFFMAN

Mr. BIDEN. Mr. President, I rise today to say farewell and thank you to my chief of staff, Alan Hoffman. As many of you know, I was fortunate enough to have had Alan leading my office from 1998 to 2003, and then had my fortunes upped when Alan made the tremendous personal sacrifice, at my request, to leave California and resume his position in 2006. While I am sorry to see him go, it is certainly understandable that Alan is now returning to the west coast, rejoining his wife in their home in Santa Monica, and taking on a major position in the University of California system.

I am indebted to Alan's invaluable leadership, wise counsel, and unwavering loyalty. The entire Biden family has come to respect and care for Alan. We all recognized right away that Alan is a thoroughly decent human being, and he quickly earned my trust. I never once doubted the judgment Alan exercised as my chief of staff. Never once.

Alan arrived at my office in 1998 having served as an assistant U.S. attorney in Philadelphia after having worked in the White House and the Department of Justice. Actually, the first time I met Alan was supposed to be for a courtesy interview as he was being considered for a high-level position with Attorney General Reno. I was so impressed with his intellect, his temperament, his passion, and his values that I thought, I want this guy to work for me. I felt it was quite the coup when he accepted my offer.

Alan brought the smarts and experience to quickly grasp the salient points of any issue, and a deft hand on how to advance policy initiatives. I have benefited enormously from Alan's excellent sensibilities. He has sharp political sense, a keen sense of timing, a sense

of what makes people tick, and a sense of humor. Alan has tremendous awe and respect for the work being done by the United States Senate, and yet, at the same time, he has an underlying sense of humility. Alan never forgets that the work of the Congress is the people's business.

Alan oversaw many proud legislative achievements during his tenure in my office, ranging from improvements to port and rail security, to passage of the Violence Against Women Act of 2000 to championing criminal justice reforms and strengthening the Sarbanes-Oxley Act. He has continued to work, until his last hour on my staff, for policies that further the well-being and security of all Americans. Alan's leadership and unwavering sense of justice have been the catalysts for alliances that have a real chance of remedying the disparity in sentences received by those convicted of crack cocaine, as opposed to powder cocaine, offenses.

Though young when he first arrived in 1998, Alan quickly proved able to manage my diverse staff, ranging from bookish lawyers, to foreign policy specialists to caseworkers in my Delaware office. Alan motivated, challenged, and inspired the staff. He always set the highest example for all who worked with him and has earned their unqualified respect and admiration. And Alan provided the solid leadership and needed guidance to staff when the nation was attacked on September 11, 2001, and again, when the Senate suffered the anthrax attack which forced my Judiciary Committee staff out of their Hart Building offices and landed Senator CARPER's staff in our own conference room.

Alan has unlimited patience to hear all sides of an issue whether from staff, divergent interest groups, or constituents. He understands complexity and yet is always ready with a common-sense and principled recommendation that was easily explainable to both people inside, and more importantly, outside the beltway. Importantly, he is also a trusted and respected ally to so many of my colleagues; they know they can call Alan when I am not reachable and they can always count on him to follow through.

Mr. President, this is one of those moments when saying thank you simply seems inadequate. Alan Hoffman left his then-fiancée, now wife, a high-level position at the RAND Corporation, and a settled life in California to return to my office in 2006. That kind of loyalty, dedication, and sacrifice are rare.

I understand completely that Alan is ready to go home. I wish him and his wife Lizzie all the best. I have no doubt that he will prove to be just as talented and invaluable in his new position. But the fact remains that Alan Hoffman will be deeply missed, and his work and leadership leave an enduring imprint both in Washington and in Delaware.

## ADDITIONAL STATEMENTS

## A TRIBUTE TO SHANE STEWART

• Mr. ALLARD. Mr. President, I wish today to honor the service and sacrifice of CAPT Shane Stewart.

My wife Joan and I were deeply saddened to hear of the tragic death of CAPT Shane Stewart this past Saturday in Weld County, CO, as he was en route to render aid to a sick caller in the town of Ault.

It takes a person of great courage to become a firefighter. It takes a strong, hard-working, and considerate individual, who like in many small communities across America, volunteer their time and effort, at sometimes great risk to themselves, to become a volunteer firefighter. It takes a special someone who is willing to pay the ultimate price in protecting the safety of others.

Captain Stewart was just this person. And unfortunately, Captain Stewart paid the ultimate price on February 23. He was 33 years old. Shane is the first firefighter killed in the line of duty in the Ault-Pierce Fire Protection District.

The Colorado native was born in Sterling and grew up in Greeley. Shane was employed by the Colorado Department of Transportation and concurrently served as a volunteer firefighter when called to duty. Volunteer firefighters are the backbone of many of our small towns and communities. In fact there are a total of 15,000 firefighters in Colorado with 9,450 being volunteers in their respective communities. Shane joined the Ault-Pierce Fire Protection District as a volunteer firefighter in August 2004.

Shane came from a family steeped in firefighting tradition. Shane's father and brother are also volunteers with the 21-member department.

Captain Stewart was a father, brother, and a son. He is survived by his wife Cyndee, sons Blake and Logan, parents Paul and Jeanette, and his brother Sean. Shane was well liked by his peers and was someone you would like to have as a friend and colleague.

The Ault-Pierce Fire Protection District lost a valuable member of its community, as did the State of Colorado. We are all forever grateful for Captain Shane Stewart's service and dedication as a firefighter. His service to all of us is highly commendable, and his contributions will be remembered.

I extend my deepest sympathy to the family of CAPT Shane Stewart. May his bravery and unwavering sense of duty serve as a role model for the future generation of firefighters.●

## HONORING DAVID WILLIAM SUMMERFIELD

• Mr. CARDIN. Mr. President, today I honor the memory of David William Summerfield, a husband, father, soldier, pilot, and a beloved member of the Cumberland community. Dave died

on February 21, piloting a small plane from Charleston, WV, to Cumberland. Also lost was his passenger, Rob Kessel of Bel Air, MD.

Dave Summerfield's death has been a blow to the entire community and to all who knew him. A graduate of Allegheny High School, Dave dedicated himself to the service of our Nation by joining the U.S. Air Force in 1951. During his distinguished military career, he was awarded the Bronze Star Service Medal, Air Force Meritorious Service Medal, Air Force Outstanding Unit Award with V for Valor, Vietnam Service Medal with four campaign stars, and RVN Honor Medal First Class with Gold Palm.

In 1972, he returned to his childhood home in Rawlings after retiring from the Air Force. There he and his wife, Jessie Marie, raised a family of five children and started an aviation business. His greatest joy in life was his family; his second greatest joy was flying.

Dave was a certified Airline Transport Pilot, ATP, the highest grade of pilot certification that the Federal Aviation Administration, FAA, can bestow. He and Jessie Marie founded Summerfield Aviation, an FAA-approved pilot school, Air Charter and Aerial Photography Service located at the Cumberland Regional Airport. During his 35 years as a pilot, he logged thousands of hours and provided flight instruction to hundreds of students. He was beloved by his students, many of whom joined the search for his plane when they learned it was missing.

He also understood the need to give back to the community. He served as a deacon and was on the board of directors of the Grace Bible Fellowship in Short Gap, WV. He also was a member of the Calvary Baptist Church in Cresaptown. During the last year of his life, he led a Bible study with prisoners at the Federal Correctional Institution in Cumberland.

On a personal note, Dave's youngest son, Robin, is a valuable member of my staff, as my field representative for the western part of Maryland.

Mr. President, on behalf of the citizens of Maryland and members of the U.S. Senate, I wish to extend our sincerest condolences to the family of Dave Summerfield. He was a great American who was an inspiration to all who knew him.●

## HONORING JEFFREY LANE MILLER

• Mrs. DOLE. Mr. President, it is with great pride that I recognize Jeffrey Lane Miller of Hendersonville, NC. Mr. Miller is the founder of HonorAir, an all-volunteer community group, which was organized to honor local World War II veterans by providing them with the opportunity to visit their National World War II Memorial in Washington, DC, at no expense.

The National World War II Memorial, dedicated in 2004, honors the 16 million

men and women who served in the Armed Forces of the United States, the more than 400,000 who died, and all who supported the war effort from home. Thousands of WWII veterans pass away every year without having a chance or ability to visit the monument recognizing their service.

Jeff's passion and commitment to America's "greatest generation" has galvanized the Henderson County community. Mr. Miller accomplished what was believed to be the impossible. He organized and obtained funding for chartering commercial aircraft to fly veterans from North Carolina to Washington, DC. His unwavering dedication, with the help of many in the community, has resulted in more than 630 World War II veterans participating in the Hendersonville HonorAir trips. Most of these heroes otherwise would not have been able to visit their monument due to physical or financial limitations.

In partnership with veterans advocates, Jeff created the Honor Flight Network. This network is in the process of honoring the service of World War II veterans from across the United States. As the result of Jeff's inspiration, leadership, and tireless efforts, Honor Flight has been established throughout communities in more than 25 States.

Today I ask that the Senate join with me in recognizing the remarkable public service of Jeff Miller. Jeff has worked so hard to make his dream, of recognizing World War II veterans, into reality. His selfless service has not only had a tremendous impact in his community but throughout our great Nation.●

## 100TH ANNIVERSARY OF THE OZARK-ST. FRANCIS NATIONAL FORESTS

• Mrs. LINCOLN. Mr. President, today I recognize one of the most beloved heritages in my home State of Arkansas, our national forests. Arkansas is blessed with two National Forest Systems, the Ouachita National Forest and the Ozark-St. Francis National Forests. Last year, we recognized the 100th Anniversary of the Ouachita National Forest which stretches from western Arkansas to southeastern Oklahoma. On March 6, 2008, the Ozark-St. Francis National Forests will take their turn and celebrate their centennial anniversary.

For the last 100 years, the Ozark-St. Francis National Forests have protected our Nation's timber resources while also providing Americans with numerous outdoor and recreational opportunities. What is unique is that they are two completely separate and distinct forests but are managed together.

In 1908, President Theodore Roosevelt set aside lands that spanned the Ozark Mountains and named it the Ozark National Forest. His goal was to conserve and safeguard the hardwood



timberlands in our State, and it was one of the first efforts in our country's history to protect our Nation's valuable forests.

Today, the Ozark National Forest contains a little more than 1.2 million acres and runs across northern Arkansas to the Oklahoma border. It is a diverse forest that harbors more than 500 different types of trees and other woody plants. Moreover, it is home to the tallest mountain in the State of Arkansas, Mount Magazine, outside Paris, AR, and includes a living underground cave system, Blanchard Spring Caves, near Mountain View, AR.

A little more than 50 years after President Roosevelt created the Ozark National Forest, President Dwight D. Eisenhower issued a proclamation to set aside 22,000 additional acres in Arkansas. Named the St. Francis National Forest, it is one of the smallest forests in the National Forest System. The St. Francis Forest begins in the hilly Crowley's Ridge section of eastern Arkansas and runs along the St. Francis River to the Mississippi River in the delta flatlands.

Each forest has its own unique character, geography, and topography, but together, they form the Ozark-St. Francis National Forests.

The headquarters is located in Russellville, AR, at the Henry R. Koen Forest Service Office Building. The building is named for the man who supervised the Ozark National Forest from 1922-1939. The Henry R. Koen Building is a landmark in and of itself. Built by the Civilian Conservation Corps, a New Deal work relief program during the Great Depression, it was dedicated in 1939. In April 1979, the building was named in Mr. Koen's honor after legislation was introduced in Congress by my predecessor, Senator Dale Bumpers.

As we celebrate this milestone, I also want the forest supervisors in Arkansas to know that I am continuing to fight for them in the U.S. Senate. They oversee some of the largest national forests in the South. Traditionally, our forest management and conservation programs have been highly productive, efficient, and profitable, benefitting taxpayers, local economies, and the region. However, with limited resources, our forest supervisors face considerable challenges in accessing and managing all of the forests.

Earlier this year, I sent a letter with the entire Arkansas Congressional delegation to the Bush administration to express our support for greater resources for our State's national forests. Currently, our forest supervisors are only able to implement one half of their total forest management plan. Furthermore, damage from recent tornadoes has compounded the need for resources to access salvageable timber in the most efficient and timely manner possible.

It is my belief that additional investment in Arkansas's national forests will allow Arkansans to continue en-

joying them for another 100 years and beyond.●

#### REPORT OF AN AGREEMENT BETWEEN THE UNITED STATES AND THE KINGDOM OF DENMARK ON SOCIAL SECURITY—PM 39

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Finance:

##### *To the Congress of the United States:*

Pursuant to section 233(e)(1) of the Social Security Act, as amended by the Social Security Amendments of 1977 (Public Law 95-216, 42 U.S.C. 433(e)(1)), I transmit herewith the Agreement Between the United States of America and the Kingdom of Denmark on Social Security, which consists of two separate instruments: a principal agreement and an administrative arrangement. The agreement was signed at Copenhagen on June 13, 2007.

The United States-Denmark Agreement is similar in objective to the social security agreements already in force with Australia, Austria, Belgium, Canada, Chile, Finland, France, Germany, Greece, Ireland, Italy, Japan, Korea, Luxembourg, the Netherlands, Norway, Portugal, Spain, Sweden, Switzerland, and the United Kingdom. Such bilateral agreements provide for limited coordination between the United States and foreign social security systems to eliminate dual social security coverage and taxation, and to help prevent the loss of benefit protection that can occur when workers divide their careers between two countries. The United States-Denmark Agreement contains all provisions mandated by section 233 and other provisions that I deem appropriate to carry out the purposes of section 233, pursuant to section 233(c)(4).

I also transmit for the information of the Congress a report prepared by the Social Security Administration explaining the key points of the Agreement, along with a paragraph-by-paragraph explanation of the provisions of the principal agreement and the related administrative arrangement. Attached to this report is the report required by section 233(e)(1) of the Social Security Act, which describes the effect of the Agreement on income and expenditures of the U.S. Social Security program and the number of individuals affected by the Agreement.

I commend to the Congress the United States-Denmark Social Security Agreement and related documents.

GEORGE W. BUSH.

THE WHITE HOUSE, February 28, 2008.

#### MESSAGES FROM THE HOUSE

##### ENROLLED BILLS SIGNED

The President pro tempore (Mr. BYRD) announced that on today, Feb-

ruary 28, 2008, he had signed the following enrolled bills, previously signed by the Speaker of the House:

S. 2571. An act to make technical corrections to the Federal Insecticide, Fungicide, and Rodenticide Act.

H.R. 2082. An act to authorize appropriations for fiscal year 2008 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

At 1:55 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, without amendment:

S. 2272. An act to designate the facility of the United States Postal Service known as the Southpark Station in Alexandria, Louisiana, as the John "Marty" Thiels Southpark Station, in honor and memory of Thiels, a Louisiana postal worker who was killed in the line of duty on October 4, 2007.

S. 2478. An act to designate the facility of the United States Postal Service located at 59 Colby Comer in East Hampstead, New Hampshire, as the "Captain Jonathan D. Grassbaugh Post Office".

The message further announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 3803. An act to designate the facility of the United States Postal Service located at 3100 Cashwell Drive in Goldsboro, North Carolina, as the "John Henry Wooten, Sr. Post Office Building".

H.R. 3936. An act to designate the facility of the United States Postal Service located at 116 Helen Highway in Cleveland, Georgia, as the "Sgt. Jason Harkins Post Office Building".

H.R. 4454. An act to designate the facility of the United States Postal Service located at 3050 Hunsinger Lane in Louisville, Kentucky, as the "Iraq and Afghanistan Fallen Military Heroes of Louisville Memorial Post Office Building", in honor of the servicemen and women from Louisville, Kentucky, who died in service during Operation Enduring Freedom and Operation Iraqi Freedom.

H.R. 5351. An act to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation.

The message also announced that the House has agreed to the following concurrent resolutions, without amendment:

S. Con. Res. 67. Concurrent resolution establishing the Joint Congressional Committee on Inaugural Ceremonies.

S. Con. Res. 68. Concurrent resolution authorizing the use of the rotunda of the Capitol by the Joint Congressional Committee on Inaugural Ceremonies.

The message further announced that pursuant to section 605(a) of the Consolidated Appropriations Act, 2008 (Public Law 110-161), and the order of the House of January 4, 2007, the Speaker appoints the following members on the part of the House of Representatives to the National Commission on Children and Disasters:

Dr. Irwin Redlin of New York, New York.

Mr. Bruce A. Lockwood of Canton, Connecticut.

The message also announced that pursuant to Senate Concurrent Resolution 67, 110th Congress, and the order of the House of January 4, 2007, the Speaker appoints the following Members of the House of Representatives to the Joint Congressional Committee on Inaugural Ceremonies:

Ms. PELOSI of California.

Mr. HOYER of Maryland.

Mr. BOEHNER of Ohio.

The message further announced that pursuant to 10 U.S.C. 6968(a), and the order of the House of January 4, 2007, the Speaker appoints the following Member of the House of Representatives to the Board of Visitors to the United States Naval Academy to fill the existing vacancy thereon:

Mr. FRELINGHUYSEN of New Jersey.

#### ENROLLED BILLS SIGNED

At 5 p.m., a message from the House of Representatives, delivered by one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

H.R. 5264. An act to extend the Andean Trade Preference Act, and for other purposes.

H.R. 5478. An act to provide for the continued minting and insurance of certain \$1 coins in 2008.

The enrolled bills were subsequently signed by the acting President pro tempore (Mr. PRYOR).

#### MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 3454. An act to provide for the conveyance of a small parcel of National Forest System land in the George Washington National Forest in Alleghany County, Virginia, that contains the cemetery of the Central Advent Christian Church and an adjoining tract of land located between the cemetery and road boundaries; to the Committee on Agriculture, Nutrition, and Forestry.

H.R. 3803. An act to designate the facility of the United States Postal Service located at 3100 Cashwell Drive in Goldsboro, North Carolina, as the "John Henry Wooten, Sr. Post Office Building"; to the Committee on Homeland Security and Governmental Affairs.

H.R. 3936. An act to designate the facility of the United States Postal Service located at 116 Helen Highway in Cleveland, Georgia, as the "Sgt. Jason Harkins Post Office Building"; to the Committee on Homeland Security and Governmental Affairs.

H.R. 4140. An act to designate the Port Angeles Federal Building in Port Angeles, Washington, as the "Richard B. Anderson Federal Building"; to the Committee on Environment and Public Works.

H.R. 4454. An act to designate the facility of the United States Postal Service located at 3050 Hunsinger Lane in Louisville, Kentucky, as the "Iraq and Afghanistan Fallen Military Heroes of Louisville Memorial Post Office Building", in honor of the servicemen and women from Louisville, Kentucky, who died in service during Operation Enduring Freedom and Operation Iraqi Freedom; to the Committee on Homeland Security and Governmental Affairs.

H.R. 5351. An act to amend the Internal Revenue Code of 1986 to provide tax incen-

tives for the production of renewable energy and energy conservation; to the Committee on Finance.

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 270. Concurrent resolution to make corrections in the enrollment of the bill H.R. 1593; to the Committee on the Judiciary.

#### EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-5290. A communication from the Director, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants; Final Rule Designating the Northern Rocky Mountain Population of Gray Wolf as a Distinct Population Segment and Removing this Distinct Population Segment from the Federal List of Endangered and Threatened Wildlife" (RIN1018-AU53) received on February 26, 2008; to the Committee on Environment and Public Works.

EC-5291. A communication from the Program Manager, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Prior Determination Process for Certain Items and Services" (RIN0938-AN10) received on February 22, 2008; to the Committee on Finance.

EC-5292. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to overseas surplus property; to the Committee on Foreign Relations.

EC-5293. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, weekly reports relative to progress in Iraq for the period of December 12, 2007, through February 13, 2008; to the Committee on Foreign Relations.

EC-5294. A communication from the Program Manager, Administration for Children and Families, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Chafee National Youth In Transition Database" (RIN0970-AC21) received on February 26, 2008; to the Committee on Health, Education, Labor, and Pensions.

EC-5295. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report relative to employees who were assigned to congressional committees during fiscal year 2007; to the Committee on Homeland Security and Governmental Affairs.

EC-5296. A communication from the Associate Deputy Secretary of the Interior, transmitting, pursuant to law, an annual report relative to grants streamlining and standardization; to the Committee on Homeland Security and Governmental Affairs.

EC-5297. A communication from the Secretary of Veterans Affairs, transmitting, proposed legislation detailing the Department's request for funds for fiscal year 2009; to the Committee on Veterans' Affairs.

#### REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mrs. BOXER, from the Committee on Environment and Public Works, without amendment:

S. 2146. A bill to authorize the Administrator of the Environmental Protection Agency to accept, as part of a settlement, diesel emission reduction Supplemental Environmental Projects, and for other purposes (Rept. No. 110-266).

By Mr. AKAKA, from the Committee on Veterans' Affairs, without amendment:

S. 2160. A bill to amend title 38, United States Code, to establish a pain care initiative in health care facilities of the Department of Veterans Affairs, and for other purposes (Rept. No. 110-267).

#### INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. ALLARD:

S. 2673. A bill to designate the facility of the United States Postal Service located at 10799 West Alameda Avenue in Lakewood, Colorado, as the "Felix Sparks Post Office Building"; to the Committee on Homeland Security and Governmental Affairs.

By Mr. BURR:

S. 2674. A bill to amend titles 10 and 38, United States Code, to improve and enhance procedures for the retirement of members of the Armed Forces for disability and to improve and enhance authorities for the rating and compensation of service-connected disabilities in veterans, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. BROWNBACK:

S. 2675. A bill to designate the facility of the United States Postal Service located at 201 West Greenway Street in Derby, Kansas, as the "Sergeant Jamie O. Maugans Post Office Building"; to the Committee on Homeland Security and Governmental Affairs.

By Mr. VITTER:

S. 2676. A bill to make technical corrections to the Indian Gaming Regulatory Act, and for other purposes; to the Committee on Indian Affairs.

By Mr. BROWN (for himself, Mrs. CLINTON, and Mr. OBAMA):

S. 2677. A bill to amend the Higher Education Act of 1965 to authorize the Secretary of Education to provide grants to institutions of higher education to establish programs for the provision of services and support to veterans who are students at such institutions, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. MCCASKILL:

S. 2678. A bill to clarify the law and ensure that children born to United States citizens while serving overseas in the military are eligible to become President; to the Committee on the Judiciary.

By Mr. MENENDEZ (for himself and Mr. CARDIN):

S. 2679. A bill to provide assistance for the Museum of the History of Polish Jews in Warsaw, Poland; to the Committee on Foreign Relations.

By Mr. SALAZAR:

S. 2680. A bill to amend the Reclamation Projects Authorization and Adjustment Act of 1992 to require the Secretary of the Interior to take certain actions to address environmental problems associated with the Leadville Mine Drainage Tunnel in the State of Colorado, and for other purposes; to the Committee on Energy and Natural Resources.

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. MENENDEZ:

S. Res. 463. A resolution congratulating Vivian Stringer on winning 800 games in women's college basketball; to the Committee on the Judiciary.

## ADDITIONAL COSPONSORS

S. 22

At the request of Mr. WEBB, the names of the Senator from Massachusetts (Mr. KENNEDY), the Senator from Colorado (Mr. SALAZAR), the Senator from Indiana (Mr. LUGAR) and the Senator from New York (Mr. SCHUMER) were added as cosponsors of S. 22, a bill to amend title 38, United States Code, to establish a program of educational assistance for members of the Armed Forces who serve in the Armed Forces after September 11, 2001, and for other purposes.

S. 186

At the request of Mr. SPECTER, the name of the Senator from South Carolina (Mr. GRAHAM) was added as a cosponsor of S. 186, a bill to provide appropriate protection to attorney-client privileged communications and attorney work product.

S. 388

At the request of Mr. THUNE, the name of the Senator from South Carolina (Mr. GRAHAM) was added as a cosponsor of S. 388, a bill to amend title 18, United States Code, to provide a national standard in accordance with which nonresidents of a State may carry concealed firearms in the State.

S. 446

At the request of Mr. DURBIN, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 446, a bill to amend the Public Health Service Act to authorize capitation grants to increase the number of nursing faculty and students, and for other purposes.

S. 573

At the request of Ms. STABENOW, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 573, a bill to amend the Federal Food, Drug, and Cosmetic Act and the Public Health Service Act to improve the prevention, diagnosis, and treatment of heart disease, stroke, and other cardiovascular diseases in women.

S. 799

At the request of Mr. HARKIN, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 799, a bill to amend title XIX of the Social Security Act to provide individuals with disabilities and older Americans with equal access to community-based attendant services and supports, and for other purposes.

S. 1067

At the request of Mr. MENENDEZ, his name was added as a cosponsor of S.

1067, a bill to require Federal agencies to support health impact assessments and take other actions to improve health and the environmental quality of communities, and for other purposes.

S. 1070

At the request of Mr. HATCH, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 1070, a bill to amend the Social Security Act to enhance the social security of the Nation by ensuring adequate public-private infrastructure and to resolve to prevent, detect, treat, intervene in, and prosecute elder abuse, neglect, and exploitation, and for other purposes.

S. 1464

At the request of Mr. FEINGOLD, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 1464, a bill to establish a Global Service Fellowship Program, and for other purposes.

S. 1795

At the request of Mr. KENNEDY, the name of the Senator from Idaho (Mr. CRAIG) was added as a cosponsor of S. 1795, a bill to improve access to workers' compensation programs for injured Federal employees.

S. 1809

At the request of Mr. THUNE, the name of the Senator from Oklahoma (Mr. COBURN) was added as a cosponsor of S. 1809, a bill to amend the Internal Revenue Code of 1986 to provide that distributions from an individual retirement plan, a section 401(k) plan, a section 403(b) contract, or a section 457 plan shall not be includible in gross income to the extent used to pay long-term care insurance premiums.

S. 1838

At the request of Mr. CORNYN, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 1838, a bill to provide for the health care needs of veterans in far South Texas.

S. 2119

At the request of Mr. JOHNSON, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 2119, a bill to require the Secretary of the Treasury to mint coins in commemoration of veterans who became disabled for life while serving in the Armed Forces of the United States.

S. 2191

At the request of Mr. LIEBERMAN, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 2191, a bill to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes.

S. 2262

At the request of Mr. DOMENICI, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 2262, a bill to authorize the Preserve America Program and Save America's Treasures Program, and for other purposes.

S. 2279

At the request of Mr. BIDEN, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 2279, a bill to combat international violence against women and girls.

S. 2433

At the request of Mr. HARKIN, his name was added as a cosponsor of S. 2433, a bill to require the President to develop and implement a comprehensive strategy to further the United States foreign policy objective of promoting the reduction of global poverty, the elimination of extreme global poverty, and the achievement of the Millennium Development Goal of reducing by one-half the proportion of people worldwide, between 1990 and 2015, who live on less than \$1 per day.

S. 2444

At the request of Mrs. MURRAY, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 2444, a bill to direct the Secretary of Education to provide grants to establish and evaluate sustainability programs, charged with developing and implementing integrated environmental, economic, and social sustainability initiatives, and to direct the Secretary of Education to convene a summit of higher education experts in the area of sustainability.

S. 2460

At the request of Mrs. DOLE, the name of the Senator from Tennessee (Mr. CORKER) was added as a cosponsor of S. 2460, a bill to extend by one year the moratorium on implementation of a rule relating to the Federal-State financial partnership under Medicaid and the State Children's Health Insurance Program and on finalization of a rule regarding graduate medical education under Medicaid and to include a moratorium on the finalization of the outpatient Medicaid rule making similar changes.

S. 2510

At the request of Mr. ISAKSON, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor 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.

S. 2533

At the request of Mr. KENNEDY, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 2533, a bill to enact a safe, fair, and responsible state secrets privilege Act.

S. 2566

At the request of Mr. ISAKSON, the name of the Senator from South Carolina (Mr. GRAHAM) was added as a cosponsor of S. 2566, a bill to amend the Internal Revenue Code of 1986 to provide a Federal income tax credit for certain home purchases.

S. 2579

At the request of Mr. INOUE, the name of the Senator from Florida (Mr.

MARTINEZ) was added as a cosponsor of S. 2579, a bill to require the Secretary of the Treasury to mint coins in recognition and celebration of the establishment of the United States Army in 1775, to honor the American soldier of both today and yesterday, in wartime and in peace, and to commemorate the traditions, history, and heritage of the United States Army and its role in American society, from the colonial period to today.

S. 2607

At the request of Ms. SNOWE, the name of the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. 2607, a bill to make a technical correction to section 3009 of the Deficit Reduction Act of 2005.

S. 2614

At the request of Mr. BARRASSO, the names of the Senator from Alaska (Ms. MURKOWSKI) and the Senator from Alaska (Mr. STEVENS) were added as cosponsors of S. 2614, a bill to facilitate the development, demonstration, and implementation of technology for the use in removing carbon dioxide and other greenhouse gases from the atmosphere.

S. 2618

At the request of Ms. KLOBUCHAR, the names of the Senator from New Jersey (Mr. LAUTENBERG) and the Senator from Georgia (Mr. CHAMBLISS) were added as cosponsors of S. 2618, a bill to amend the Public Health Service Act to provide for research with respect to various forms of muscular dystrophy, including Becker, congenital, distal, Duchenne, Emery-Dreifuss Facioscapulohumeral, limb-girdle, myotonic, and oculopharyngeal muscular dystrophies.

At the request of Mr. ISAKSON, the name of the Senator from New Hampshire (Mr. SUNUNU) was added as a cosponsor of S. 2618, *supra*.

S. 2636

At the request of Mr. REID, the names of the Senator from Virginia (Mr. WEBB), the Senator from Ohio (Mr. BROWN) and the Senator from Pennsylvania (Mr. CASEY) were added as cosponsors of S. 2636, a bill to provide needed housing reform.

S. 2639

At the request of Mr. JOHNSON, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 2639, a bill to amend title 38, United States Code, to provide for an assured adequate level of funding for veterans health care.

S. 2663

At the request of Mr. PRYOR, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 2663, a bill to reform the Consumer Product Safety Commission to provide greater protection for children's products, to improve the screening of noncompliant consumer products, to improve the effectiveness of consumer product recall programs, and for other purposes.

S. RES. 449

At the request of Mr. SMITH, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. Res. 449, a resolution condemning in the strongest possible terms President of Iran Mahmoud Ahmadinejad's statements regarding the State of Israel and the Holocaust and calling for all member States of the United Nations to do the same.

S. RES. 455

At the request of Mr. DURBIN, the names of the Senator from Vermont (Mr. LEAHY), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Georgia (Mr. CHAMBLISS), the Senator from North Carolina (Mr. BURR), the Senator from New Hampshire (Mr. SUNUNU), the Senator from Minnesota (Ms. KLOBUCHAR), the Senator from Rhode Island (Mr. WHITEHOUSE), the Senator from Georgia (Mr. ISAKSON) and the Senator from Rhode Island (Mr. REED) were added as cosponsors of S. Res. 455, a resolution calling for peace in Darfur.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. ALLARD:

S. 2673. A bill to designate the facility of the United States Postal Service located at 10799 West Alameda Avenue in Lakewood, Colorado, as the "Felix Sparks Post Office Building"; to the Committee on Homeland Security and Governmental Affairs.

Mr. ALLARD. Mr. President, today I introduced legislation to designate the U.S. Postal Service facility located at 10799 West Alameda Avenue in Lakewood, CO, as the "Felix Sparks Post Office Building." This facility will bear the name of a great American, Brigadier General Felix Sparks. Sadly, Brigadier General Sparks passed away in September of last year, but this honor will serve as a lasting tribute to his life and service to his country, State, and community.

Brigadier General Felix Sparks led an exemplary life. His long and distinguished military and civilian career took him from the European theater of World War II to the chambers of the Colorado Supreme Court. General Sparks' enduring leadership, honesty and integrity serve as an inspiration to us all. I am honored to take this time to speak about General Sparks and to introduce this necessary piece of legislation.

Growing up in Arizona, the son of a rail worker, BG Sparks joined the U.S. Army during the Great Depression. After serving in Northern Africa, he went on to lead the Colorado-based 157th regiment in Italy, liberating the Nazi concentration camp at Dachau. During his military service, BG Sparks was awarded two Purple Hearts, two Silver Stars, the Legion of Merit, the Combat Infantry Badge, a Commendation Medal, eight battle stars on his European/African Middle Eastern Campaign Medal, and the Croix de Guerre with the Silver Gilt Star.

Although Brigadier General Sparks' passion was practicing law, it paled in comparison when he was called to serve. As a liberator, decorated military officer, District Attorney for Delta, Colorado Supreme Court Justice, Commanding General of the Colorado Army National Guard, State Water Board member and University of Colorado graduate, BG Sparks' sense of duty prevailed.

As a lasting tribute to this incredible man, I cannot think of a more appropriate honor than to have this Lakewood Post Office bear the name of Felix Sparks. A post office is the point in every community that brings all people together, and there is no better way to symbolize the virtues BG Sparks demonstrated through his public and private life. I encourage the Senate to pass this legislation in recognition of BG Felix Sparks.

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. 2673

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

#### SECTION 1. FELIX SPARKS POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 10799 West Alameda Avenue in Lakewood, Colorado, shall be known and designated as the "Felix Sparks Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Felix Sparks Post Office Building".

By Mr. SALAZAR:

S. 2680. A bill to amend the Reclamation Projects Authorization and Adjustment Act of 1992 to require the Secretary of the Interior to take certain actions to address environmental problems associated with the Leadville Mine Drainage Tunnel in the State of Colorado, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. SALAZAR. Mr. President, today I am introducing the Leadville Mine Drainage Tunnel Environmental Improvement Act of 2008. This legislation will direct the Bureau of Reclamation to take action to eliminate the grave environmental threat posed by a collapse of part of the Leadville Mine Drainage Tunnel, or LMDT. Leadville sits at the headwaters of the Arkansas River, and thus the effluent into the river there is of paramount importance to millions of people.

The LMDT is just over 2 miles long, and was constructed during the 1940s and 1950s by the U.S. Department of the Interior's Bureau of Mines to drain flooded mines in the Leadville mining district of Lake County in central Colorado. In 1959, the Bureau of Reclamation took "full custody, accountability, and future responsibility" of

the LMDT to obtain water rights and under the condition that the Bureau would not spend its own funds to maintain or repair the Tunnel. In the early 1990s, however, litigation compelled the Bureau to take responsibility for the quality of the water discharged by the Tunnel. The Bureau constructed a water treatment plant, and Congress authorized the Bureau under P.L. 102-575 to treat the water discharged from the LMDT.

In 1995, however, a major collapse of a segment of the tunnel was detected. Since that time, mine water has pooled behind the blockage. Today the Environmental Protection Agency estimates that close to 1 billion gallons of water contaminated with toxic levels of cadmium, zinc, and manganese, has collected. The citizens of Leadville, Lake County, and the area downstream of the LMDT are deeply worried that the building pressure from this voluminous quantity of water will cause the blockage to burst and flood the town, resulting in a public health and environmental disaster. This winter's heavy snowfall has some concerned that spring snowmelt will further balloon the quantity of toxic water and exacerbate the risk. Under intense scrutiny, this week the EPA and the Bureau have partnered to begin pumping some of the water to the treatment plant and I appreciate their response. But these actions are only a small piece of the puzzle in making sure the LMDT never becomes a disaster.

In recent years the Federal Government's implementation of a long-term fix for the mine has been jammed up as badly as the mine tunnel itself. My bill focuses on making sure the long term solution for the LMDT moves forward as expeditiously as possible. My bill gives the Secretary of the Interior and the Bureau of Reclamation clear authority and responsibility to maintain the LMDT in a manner that protects human health and the environment. For many years the Bureau has maintained that it is not responsible for changed conditions within the LMDT. My bill eliminates any ambiguity on this point, and compels the Bureau to act.

Specifically, the legislation directs the Bureau to participate in the long-term remedy for the LMDT that has already been approved by the EPA, the Colorado Department of Public Health and Environment, and has been vetted through public meetings. The bill also authorizes the necessary funds for implementation of the long-term remedy. The long-term solution for the LMDT, specified under the fully approved and vetted EPA superfund Record of Decision, is much more extensive than the pumping and water treatment activity now underway. It will involve construction of a bulkhead in the tunnel to isolate the contaminated pool, backfilling the tunnel, as well as several other actions.

My bill also directs the Secretary of the Interior, in cooperation with the

State and the EPA, to conduct a study to determine whether any blockages in the LMDT have affected, or are affecting, water quality and aquatic life in the Arkansas River in the vicinity downstream of the LMDT. We must ensure that the problems with the LMDT blockage do not impact the water quality of the Arkansas River, which is the lifeblood of so many communities. This study will help improve our understanding of the conditions of the headwaters near the LMDT.

For too long the inaction on fixing the LMDT has been a case study in Federal paralysis, with the citizens of Leadville and Lake County caught in the middle. This legislation will establish the conditions and authority necessary to make the long-term fix at the Leadville Mine Drainage Tunnel a reality as soon as possible.

#### SUBMITTED RESOLUTIONS

##### SENATE RESOLUTION 463—CONGRATULATING VIVIAN STRINGER ON WINNING 800 GAMES IN WOMEN'S COLLEGE BASKETBALL

Mr. MENENDEZ submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 463

Whereas Vivian Stringer has coached women's college basketball for 36 seasons;

Whereas Vivian Stringer has coached the Rutgers University women's college basketball team for the past 13 seasons;

Whereas Vivian Stringer is the first coach in men's or women's college basketball to lead 3 different schools to the Final Four;

Whereas Vivian Stringer was inducted into the Women's Basketball Hall of Fame in 2001;

Whereas Vivian Stringer was named by Sports Illustrated as one of the 101 Most Influential Minorities in Sports in 2003;

Whereas Vivian Stringer was a recipient of the Black Coaches Association's Lifetime Achievement Award in 2004;

Whereas Vivian Stringer helped lead Team USA to a gold medal as an assistant coach for the United States Olympic women's basketball team in the 2004 Olympic Games in Athens, Greece;

Whereas Vivian Stringer was inducted into the New Jersey Sports Hall of Fame and the Sport in Society Hall of Fame in 2005;

Whereas Vivian Stringer has made significant contributions in advancing the popularity of and esteem for women's college basketball;

Whereas Vivian Stringer has been a role model for countless young women not only in the United States, but all over the world;

Whereas Vivian Stringer is only the third women's college basketball coach to win 800 games, joining only 5 men's coaches who reached the same milestone; and

Whereas Vivian Stringer broke the record for African-American coaches in either men's or women's college basketball by becoming the first to win 800 games: Now, therefore, be it

*Resolved*, That the Senate honors Vivian Stringer for the significant accomplishment of winning 800 games in women's college basketball and sends its sincere congratulations for this historic accomplishment.

#### NOTICE OF HEARING

##### COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that an oversight hearing has been scheduled before the Subcommittee on Public Lands and Forests of the Senate Committee on Energy and Natural Resources.

The hearing will be held on Thursday, March 13, 2008, at 2:30 p.m. in room SD-366 of the Dirksen Senate Office Building. The purpose of the hearing is to receive testimony regarding old-growth forest science, policy and management in the Pacific Northwest region.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send it to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510-6150, or by e-mail to [rachel.pasternack@energy.senate.gov](mailto:rachel.pasternack@energy.senate.gov). For further information, please contact Rachel Pasternack at (202) 224-0883 or Kira Finkler at 202-224-5523.

#### AUTHORITY FOR COMMITTEES TO MEET

##### COMMITTEE ON ARMED SERVICES

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Thursday, February 28, 2008, at 9:30 a.m., in open session, with a possibility of a closed session, to receive testimony on the Department of the Navy in review of the defense authorization request for fiscal year 2009 and the Future Years Defense Program.

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

##### COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on February 28, 2008, at 10 a.m., in order to conduct a hearing entitled "Semi-annual Monetary Policy Report To Congress."

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

##### COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on Thursday, February 28, 2008, at 10 a.m., in room 253 of the Russell Senate Office Building, in order to conduct a hearing. The purpose of this hearing is to review the President's proposed Department of Transportation budget for the 2009 fiscal year.

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

COMMITTEE ON ENERGY AND NATURAL  
RESOURCES

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate in order to conduct a hearing on Thursday, February 28, 2008, at 9:30 a.m., in room SD366 of the Dirksen Senate Office Building. At this hearing, the Committee will hear testimony regarding the impact of increased minimum wages on the economies of American Samoa and the Commonwealth of the Northern Mariana Islands.

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

COMMITTEE ON FINANCE

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Thursday, February 28, 2008, at 10 a.m., in room 215 of the Dirksen Senate Office Building, in order to conduct a hearing entitled "The Real Estate Market: Building a Strong Economy."

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

COMMITTEE ON FOREIGN RELATIONS

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, February 28, 2008, at 9:30 a.m. in order to hold a hearing on U.S. policy options in post-election Pakistan.

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

COMMITTEE ON THE JUDICIARY

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary be authorized to meet during the session of the Senate, in order to conduct an executive business meeting on Thursday, February 28, 2008 at 10 a.m. in room SD-226 of the Dirksen Senate Office Building.

*Agenda*

I. Bills: S. 2304, Mentally Ill Offender Treatment and Crime Reduction Reauthorization and Improvement Act of 2007, (DOMENICI, KENNEDY, SPECTER, LEAHY); S. 2449, Sunshine in Litigation Act of 2007, (KOHL, LEAHY, GRAHAM); S. 352, Sunshine in the Courtroom Act of 2007, (GRASSLEY, SCHUMER, LEAHY, SPECTER, GRAHAM, FEINGOLD, CORNYN, DURBIN); S. 2136, Helping Families Save Their Homes in Bankruptcy Act of 2007, (DURBIN, SCHUMER, WHITEHOUSE, BIDEN, FEINSTEIN); and S. 2133, Home Owners "Mortgage and Equity Savings Act", (SPECTER, COLEMAN).

II. Nominations: Kevin J. O'Connor to be Associate Attorney General, Department of Justice; Gregory G. Katsas to be Assistant Attorney General, Civil Division, Department of Justice.

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

JOINT ECONOMIC COMMITTEE

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Joint Economic Committee be authorized to meet, during the session of the Senate, in order to conduct a hearing entitled "War at any cost? The total economic costs of the war beyond the Federal budget" on Thursday, February 28, 2008. The hearing will commence at 9:30 a.m. in room 106 of the Dirksen Senate Office Building.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on February 28, 2008, at 2:30 p.m. in order to hold a closed hearing.

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

SUBCOMMITTEE ON CLEAN AIR AND NUCLEAR  
SAFETY

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works, Subcommittee on Clean Air and Nuclear Safety, be authorized to meet during the session of the Senate on Thursday, February 28, 2008, at 10 a.m. in room 406 of the Dirksen Senate Office Building in order to conduct a hearing entitled, "Nuclear Regulatory Commission Oversight: Security of Our Nation's Nuclear Plants."

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

SUBCOMMITTEE ON TERRORISM, TECHNOLOGY,  
AND HOMELAND SECURITY

Mr. SCHUMER. 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, in order to conduct a hearing entitled "Weaknesses in the Visa Waiver Program: Are the Needed Safeguards in Place to Protect America?" on Thursday, February 28, 2008, at 2:30 p.m. in room SD-226 of the Dirksen Senate Office Building.

*Witness list*

Paul Rosenzweig, Deputy Assistant Secretary, Office of Policy, U.S. Department of Homeland Security, Washington, DC; Tony Edson, Deputy Assistant Secretary for Visa Services, U.S. Department of State, Washington, DC; Jess Ford, Director, International Affairs and Trade, Government Accountability Office, Washington, DC; Susan Ginsburg, Director of Programs on Mobility and Security, Migration Policy Institute, Washington, DC; and Jessica Vaughan, Senior Policy Analyst, Center for Immigration Studies, Washington, DC.

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

SUBCOMMITTEE ON WATER AND POWER

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Subcommittee on Water and Power of the

Committee on Energy and Natural Resources be authorized to meet during the session of the Senate in order to conduct a hearing on Thursday, February 28, 2008, at 2 p.m., in room SD-366 of the Dirksen Senate Office Building. At this hearing, the Committee will hear testimony regarding the following legislation:

S. 177/H.R. 2085, to authorize the Secretary of the Interior to convey to the McGee Creek Authority certain facilities of the McGee Creek Project, Oklahoma, and for other purposes;

S. 1473/H.R. 1855, to authorize the Secretary of the Interior, acting through the Bureau of Reclamation, to enter into a cooperative agreement with the Madera Irrigation District for purposes of supporting the Madera Water Supply Enhancement Project;

S. 1474/H.R. 1139, to authorize the Secretary of the Interior to plan, design and construct facilities to provide water for irrigation, municipal, domestic, and other uses from the Bunker Hill Groundwater Basin, Santa Ana River, California, and for other purposes;

S. 1929, to authorize the Secretary of the Interior, acting through the Commissioner of Reclamation, to conduct a feasibility study of water augmentation alternatives in the Sierra Vista Subwatershed;

S. 2370, to clear title to certain real property in New Mexico associated with the Middle Rio Grande Project, and for other purposes;

H.R. 2381, to promote Department of the Interior efforts to provide a scientific basis for the management of sediment and nutrient loss in the Upper Mississippi River Basin, and for other purposes.

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

PRIVILEGES OF THE FLOOR

Mr. THUNE. Madam President, I ask unanimous consent that a member of my staff, Jon Abdnor, be granted the privileges of the floor.

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

ANDEAN TRADE PREFERENCE  
EXTENSION ACT

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 5264, which was received from the House.

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

The assistant legislative clerk read as follows:

A bill (H.R. 5264) to extend the Andean Trade Preference Act, and for other purposes.

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

Mr. BAUCUS. Mr. President, today, the Senate takes the important step of extending the Andean Trade Preferences Act for 10 months. This follows



action in the House yesterday on the same bill. We can now ensure continuation of this important program before it expires tomorrow.

I would have preferred a longer term extension of ATPA. But a 10-month extension is a sound compromise. It is good for America. And it is good for our Andean neighbors.

In recent weeks, we have had a lively debate over the value of this preference program. Opponents point to one-sided benefits. They warn against risky investments.

Proponents say that our Andean preferences complement drug eradication efforts. We say that they create jobs in both developing countries and here at home.

Today, as in the past, I support ATPA. ATPA is an investment in mutual prosperity and regional stability. It is good foreign policy. ATPA is a boon to the developing economies of Peru, Colombia, Bolivia, and Ecuador. It brings economic development where poverty persists. It encourages alternative crops where illegal drugs plague the landscape. It creates jobs where there have long been too few. And it can provide a platform for more comprehensive engagement, such as the free-trade agreements that Peru and Colombia have negotiated with the United States.

The economic benefits of ATPA are mutual. Flower exports from Colombia and Ecuador employ Andean agriculture workers in their countries. And they also create transportation and retail jobs here at home.

The United States sells its cotton to Andean buyers, who make it into fabric and apparel. And that creates jobs for American farmers and skilled Andean labor. It is precisely this mutual prosperity that has earned the Andean Trade Preferences Act the broad support it commands, even from sectors that have traditionally been wary of trade.

But as important, we must recognize that ATPA benefits are neither hand-outs nor freebies. To benefit from preferences, each ATPA partner must meet strict eligibility criteria. Beneficiaries must afford internationally recognized worker rights. They must protect and enforce intellectual property rights. They must cooperate in counter-narcotics efforts. And they must ensure the integrity of U.S. investments by, among other things, honoring contracts with U.S. investors and abiding by investment decisions made by arbitral panels.

These eligibility requirements are not optional. If a country does not comply, it should not receive ATPA benefits. Actions have consequences. The U.S. will notice and take into account actions in ATPA countries that unfairly hurt U.S. interests. Ecuador, in particular, has taken actions in recent years that call into question its intention to abide by the ATPA conditions related to investment. These developments are, at best, discouraging. At worst, they might be disqualifying.

In the next few months, I will work with Senator GRASSLEY and others to closely monitor whether our ATPA beneficiary countries meet these eligibility criteria. And I will work to monitor whether the administration is doing enough to enforce them.

ATPA is good policy. But, as with most policies, hard work can make it better. As in the past, I will continue to work with opponents and supporters to ensure that all of the elements of the program are upheld. I will work to see that not just the trade benefits, but the eligibility requirements as well, are upheld. When everyone is playing by the rules, we will have a comprehensive program that is as good for the United States as it is for Peru, Colombia, Bolivia, and Ecuador.

Mr. GRASSLEY. Mr. President, this week the House passed a 10 month extension of our unilateral trade preferences for Colombia, Peru, Ecuador, and Bolivia, and today it is the Senate's turn to consider the issue. I want to take a moment to explain why I have decided to agree to support this 10 month extension.

As my colleagues know, I have been critical of the operation of these trade preferences for quite some time. Last year, reported developments in Ecuador and Bolivia led me to question the commitment of their respective Governments to upholding the democratic rule of law, honoring contracts and other legal obligations, protecting civic freedoms such as freedom of the press, and fully partnering with us in the fight against traffic in illicit narcotics. In that context, I have questioned why we should renew these particular trade preferences, which we provide in addition to the broad preferences that we give to developing countries under our separate Generalized System of Preferences program.

More generally, I have questioned why we should continue to extend unilateral trade preferences when our farmers and manufacturers deserve to enjoy reciprocal trade benefits. I realize that we advance our national interest by fostering the creation of legitimate economic opportunities in the four Andean beneficiary countries. There need to be viable alternatives in the region if we are going to succeed in the fight against illicit narcotics. And the Andean trade preferences have been a good start. But I continue to question how unilateral trade preferences provide a basis for truly sustainable economic development over the long term.

On the other hand, a permanent, reciprocal, open trading relationship would appropriately address each of those questions. That is what we should be aiming for. Not only would it provide a level playing field for both sides, it would facilitate the establishment of strong long-term economic relationships through mutually beneficial trade and investment. That is one of the reasons why implementation of our trade promotion agreement with

Colombia is my top priority on the trade agenda this year.

On balance, I have concluded that this 10 month extension of Andean trade preferences will allow us to accomplish a number of things. It will allow for the smooth entry into force of our trade agreement with Peru. It will avoid economic disruption in Colombia as we strive to implement our trade agreement with that critical ally. And it will extend an opportunity for Ecuador and Bolivia to engage us in a deeper dialogue on the direction they want to see our bilateral economic and political relationships take going forward. But let me be clear. Today's extension should not be interpreted as a sign that Andean trade preferences are a de facto perpetuity. They are not. I intend to continue my oversight of this program in advance of its expiration at the end of the year. Whether this program is again extended, or in what form, or for which countries, remains an open question.

In the meantime, I will continue monitoring a number of important concerns. For example, the Government of Ecuador has indicated that the U.S. lease to the Eloy Alfaro airfield will not be renewed when it expires in 2009. That is, of course, Ecuador's sovereign right. But we should not wait until the lease expires to discuss how our cooperative efforts to combat traffic in illicit narcotics can be augmented in order to offset the loss of this access. I am also concerned about expanded cultivation of coca leaf. Just this past Saturday, the New York Times reported on how the rollback of restrictions on coca growing since President Morales took office in Bolivia has contributed to surging drug use in Argentina and Brazil. We need to focus on cultivation just as much as on eradication in the fight against drugs.

With respect to investment disputes, it is essential that legal obligations be fully honored. That includes honoring arbitral awards once they become final. It also includes honoring contracts and the mutual settlement of claims involving prior disputes. Separately, I am disappointed that we haven't been able to fully resolve some of our differences in agricultural trade. For example, with respect to beef, Colombia and Peru comply with the standards of the World Organization for Animal Health, which sets benchmark standards for the World Trade Organization, by permitting the importation of all U.S. beef. In contrast, Ecuador and Bolivia continue to reject these international standards. Ecuador restricts U.S. beef imports to only boneless beef from cattle under 30 months of age, while Bolivia prohibits imports of all U.S. beef. In addition, Ecuador committed to phase out its agricultural price-band system by 2001 as part of its World Trade Organization accession package, but the Government has yet to do so. Ecuador's price-band inhibits U.S. exports of wheat, rice, barley, corn, soybeans, poultry, pork, and powdered milk to Ecuador. Such failures to

live up to existing trade obligations undermine the case some make for an extension of trade preferences. I would also expect all four Andean beneficiary countries to actively support efforts to conclude an ambitious agreement in the Doha Development Round negotiations of the World Trade Organization. Finally, I will continue to assess our respective bilateral relations on a political level, as well as monitor the status of protections extended to civic freedoms such as freedom of the press.

In closing, I want to make clear that I am very much interested in strengthening our relations with each of the four Andean beneficiary countries. But it takes cooperation on all sides to make that happen. Colombia and Peru have certainly demonstrated a reciprocal interest in stronger relations. I hope to see a similar demonstration on the part of Ecuador and Bolivia in the months to come with actions that are commensurate with words. I am also going to call upon the administration to review conditions in Ecuador and Bolivia in order to help me evaluate the concerns that I have identified and determine whether changes are warranted if the program is to be extended beyond the end of this year.

Mr. CRAPO. Mr. President, I rise today regarding the extension of the Andean Trade Preference Act, ATPA. This program, which has been in place for approaching two decades, has broadened economic opportunities in Bolivia, Colombia, Ecuador, and Peru as an alternative to illegal drug production and trafficking. With the current extension of this program expiring tomorrow, it is important that Congress is acting this week to extend the program for an additional 10 months. The extension should allow necessary time for passage of the U.S.-Colombia FTA, implementation of the Peru FTA, and continued commerce for Andean producers and U.S. consumers and importers.

However, this extension does not minimize the continued need for the timely advancement of the U.S.-Colombia Free Trade Agreement, FTA, which would deepen our two nation's important relationship, broaden market opportunities for U.S. producers and companies, and provide longer term certainty for Colombian exporters and workers that short-term ATPA extensions do not provide. We must do all that we can to maintain and improve our Nation's global competitiveness and relations throughout the world, and the U.S.-Colombia FTA is a much needed step in the right direction for providing economic opportunities for Americans through reciprocal trade treatment for U.S. products. For example, the U.S.-Colombia FTA would provide immediate duty-free access for fresh potatoes and almost all processed potatoes. Currently, Colombia's WTO tariff bindings on potatoes and potato products range from 70 to 102 percent and applied tariff rates range from 5 to 20 percent. This is just one example of

the areas where the U.S. stands to gain improved access into one of the region's fastest growing markets through this agreement.

Additionally, as with all trade preferences and agreements, the requirements must be fully enforced. The U.S. is providing special trade preferences to these countries through this program, and with that comes a responsibility to comply with the standards and obligations set forth in ATPA. Our ATPA partner countries must treat U.S. investors consistently with current ATPA eligibility.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent the bill be read three times and passed, the motion to reconsider be laid upon the table with no intervening action or debate, and any statements related to the bill be printed in the RECORD.

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

The question is on the third reading and passage of the bill.

The bill (H.R. 5264) was ordered to a third reading, was read the third time, and passed.

#### PROVIDING FOR THE CONTINUED MINTING AND ISSUANCE OF CERTAIN \$1 COINS IN 2008

Mr. REID. Mr. President, I ask unanimous consent that the Banking Committee be discharged from further consideration of H.R. 5478 and the Senate proceed to its consideration.

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

The bill clerk read as follows:

A bill (H.R. 5478) to provide for the continued minting and issuance of certain \$1 coins in 2008.

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

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

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

The bill (H.R. 5478) was ordered to a third reading, was read the third time, and passed.

#### EXPANDING PASSENGER FACILITY FEE ELIGIBILITY

Mr. CASEY. Mr. President, I ask unanimous consent that the Commerce Committee be discharged from further consideration of S. 996 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 assistant legislative clerk read as follows:

A bill (S. 996) to amend title 49, United States Code, to expand passenger facility fee

eligibility for certain noise compatibility projects.

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

Mr. CASEY. 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, with no intervening action or debate, and any statements related to the bill be printed in the RECORD.

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

The bill (S. 996) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 996

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

#### SECTION 1. EXPANDED PASSENGER FACILITY FEE ELIGIBILITY FOR NOISE COMPATIBILITY PROJECTS.

Section 40117(b) of title 49, United States Code, is amended by adding at the end the following:

“(7) NOISE MITIGATION FOR CERTAIN SCHOOLS.—

“(A) IN GENERAL.—In addition to the uses specified in paragraphs (1), (4), and (6), the Secretary may authorize a passenger facility fee imposed under paragraph (1) or (4) at a large hub airport that is the subject of an amended judgment and final order in condemnation filed on January 7, 1980, by the Superior Court of the State of California for the county of Los Angeles, to be used for a project to carry out noise mitigation for a building, or for the replacement of a relocatable building with a permanent building, in the noise impacted area surrounding the airport at which such building is used primarily for educational purposes, notwithstanding the air easement granted or any terms to the contrary in such judgment and final order, if—

“(i) the Secretary determines that the building is adversely affected by airport noise;

“(ii) the building is owned or chartered by the school district that was the plaintiff in case number 986,442 or 986,446, which was resolved by such judgment and final order;

“(iii) the project is for a school identified in 1 of the settlement agreements effective February 16, 2005, between the airport and each of the school districts;

“(iv) in the case of a project to replace a relocatable building with a permanent building, the eligible project costs are limited to the actual structural construction costs necessary to mitigate aircraft noise in instructional classrooms to an interior noise level meeting current standards of the Federal Aviation Administration; and

“(v) the project otherwise meets the requirements of this section for authorization of a passenger facility fee.

“(B) ELIGIBLE PROJECT COSTS.—In subparagraph (A)(iv), the term ‘eligible project costs’ means the difference between the cost of standard school construction and the cost of construction necessary to mitigate classroom noise to the standards of the Federal Aviation Administration.”.

#### STAR PRINT—S. 22

Mr. CASEY. Mr. President, I ask unanimous consent that S. 22 be star printed with the changes at the desk.

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

## APPOINTMENTS

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to Public Law 81-754, as amended by Public Law 93-536 and Public Law 100-365, appoints the Senator from Maryland, Mr. CARDIN, to the National Historical Publications and Records commission, vice the Senator from Connecticut (Mr. Dodd).

The Chair, on behalf of the Republican leader, pursuant to the provisions of Public Law 110-161, appoints the following individuals to serve as members of the National Commission on Children and Disasters: Ernie Allen of Virginia and Mary Almeta Carlson of Alaska.

The Chair announces, on behalf of the Republican leader, pursuant to the provisions of S. Res. 105, adopted April 13, 1989, as amended by S. Res. 149, adopted October 5, 1993, as amended by Public Law 105-275, adopted October 21, 1998, further amended by S. Res. 75, adopted March 25, 1999, amended by S. Res. 383, adopted October 27, 2000, and amended by S. Res. 355, adopted No-

vember 13, 2002, and further amended by S. Res. 480, adopted November 21, 2004, the appointment of the following Senators as members of the Senate National Security Working Group for the 110th Congress: the Senator from Minnesota, Mr. COLEMAN, as cochairman and the Senator from Ohio, Mr. VOINOVICH.

## ORDERS FOR FRIDAY, FEBRUARY 29, 2008

Mr. CASEY. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 10 a.m. tomorrow, Friday, February 29; that following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders be reserved for their use later in the day, and the Senate then resume consideration of the motion to proceed to H.R. 3221, the legislative vehicle to be used for the Foreclosure Prevention Act of 2008.

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

## PROGRAM

Mr. CASEY. Mr. President, tomorrow the Senate will resume consideration of the motion to proceed to the housing legislation. There will be no rollcall votes during Friday's session of the Senate. The next vote is expected to occur at approximately 5:30 p.m. on Monday.

## ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. CASEY. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 7:07 p.m., adjourned until 10 a.m. Friday, February 29, 2008, at 10 a.m.